

Court No. - 40

Case :- WRIT - C No. - 33122 of 2023

Petitioner :- Kallo

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Irshad Ahmad

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. Petitioner is an old widow lady aged about 70 years. Her husband, who was resident of Village-Kansahi, Post-Bhainsoli, Tehsil-Bindaki, District-Fatehpur, died on 1.1.1992. As the petitioner is an illiterate lady, when her in-laws tried to usurp her husband's property, she was inclined to institute the suit proceedings wherein it was informed to her that in absence of death certificate, she cannot take any recourse as available under law. In such backdrop, she approached Sub Divisional Magistrate, Tehsil-Bindaki, District-Fatehpur for getting death certificate of her husband.

3. In response to our order dated 31.10.2023, Sri Ambrish Shukla, learned Additional Chief Standing Counsel has placed instructions dated 7.11.2023 sent by Block Development Officer, Demwai, Fatehpur indicating therein that after verification it was found that her husband died at Kanpur. He has placed reliance on Registration of Births and Deaths Act, 1969 wherein Section 7(2) read with Section 23(2) provides that the territorial jurisdiction wherein competent authority i.e. Sub Divisional Magistrate can accord death certificate in normal course. The application has to be preferred within limitation provided therein but in case any person is to have death certificate, he may approach Registrar/First Class Magistrate. He fairly states that in case, the petitioner approaches the concerned authority, definitely his application will be proceeded in accordance with law.

4. Considering the facts and circumstances, we are not inclined to keep the matter pending consideration and direct that in case the petitioner approaches the concerned authority, we hope and trust that his matter will be considered and decided by the

concerned authority strictly in accordance with law.

5. The writ petition is disposed of with aforesaid observations.

Order Date :- 8.11.2023

Manish Himwan