

Court No. - 1

Case :- WRIT - C No. - 10598 of 2023

Petitioner :- Smt. Sarita Singh

Respondent :- Chief Registrar Of Births And Deaths / Director General Medical And Health Services Lko. And Others

Counsel for Petitioner :- Abhinav Trivedi

Counsel for Respondent :- C.S.C.,Shubham Tripathi

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Vakalatnama filed on behalf of respondent nos.4 and 5 by Shri Kshitij Mishra, learned Counsel is taken on record.

2. Heard Shri Abhinav Trivedi, learned Counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Kshitij Mishra, learned Counsel for respondents no.4 and 5.

3. By a previous order passed by this Court in Writ- C No.2157 of 2023, the following directions were issued :-

"Considering the assertion of the petitioner herein that she is the legally wedded wife of late Ajay Veer Singh, but, fraudulently one Mrs. Sarita Singh has got the death certificate issued wherein she is mentioned as his wife and based thereon she is trying to take advantage of it with regard to the estate and belongings of late Ajay Veer Singh and also that an application for correction of the entry in the register of births and deaths maintained by the Sanjay Gandhi Post Graduate Institute of Medical Sciences, Lucknow (SGPGI) has been filed, but, no decision has been taken thereon, we provide that the Registrar of Births and Deaths at SGPGI, Lucknow shall decide the said application of the petitioner, if it is in accordance with Rules, within three months from the date of receipt of certified copy of this order and communicate the decision to the concerned. Needless to say that Mrs. Sarita Singh who is opposite party no. 7 herein shall also be heard in the matter.

In addition to the aforesaid, it is open for the petitioner to initiate appropriate proceedings in law separately, if she has a grievance."

4. In the light of the aforesaid, it is clear that the matter was relegated to the competent authority for passing a fresh order after affording opportunity to the petitioner.

5. Shri Kshitij Mishra, learned Counsel for respondents no.4 and 5 has submitted that an inquiry was held prior to the passing of the impugned order, according to which the direction of the Court has been carried out.

6. From a plain reading of the impugned order herein, though we gather a reference to the inquiry report in which the petitioner not associated with or consideration of his objections as were filed on 16.08.2023 but have also been given a go by. The order passed by the competent authority, i.e. Chief Medical Superintendent is a cryptic order. No reason whatsoever has been recorded nor objections raised by the petitioner have been dealt with.

7. The impugned order is, accordingly, set aside and the matter is relegated back to the authority concerned for passing a fresh order after giving due opportunity of hearing to the petitioner.

8. It is made clear that the objection raised by the petitioner shall be considered and decided by passing a reasoned and speaking order expeditiously, preferably within a period of one month from the date of service of this order.

9. The writ petition stands **allowed**.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 6.12.2023

Anand Sri./-