



WEB COPY

WP No. 30913 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No.30913 of 2026

Munuswamy

..Petitioner(s)

Vs

1. The Commissioner
Pammal Municipality Office,
Pammal, Chennai-75.
2. The Sub-Registrar,
Pammal Sub-Registrar Office,
Pammal, Chennai-75

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing respondents to issue the Non-Availability Certificate relating to death of petitioner's son, Mitesh, who died on 24.06.2018, based on the petitioner's representation dated 23.05.2026 within a stipulated time.

For Petitioner(s): Mr. A. Arun Kumar

For Respondent(s): Mr.J.V.Sakthi Baalakrishnan,
Government Advocate

ORDER

The present writ petition has been filed for a direction to respondents to issue Non-Availability Certificate relating to death of petitioner's son, Mitesh, who died on 24.06.2018, based on the petitioner's representation dated



23.05.2026, within a time frame to be fixed by this Court.

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2. Learned Government Advocate for respondents would submit that the prayer is misconceived inasmuch as petitioner in terms of Section 13 of the Registration of Births and Deaths Act, 1969 read with Rule 9 and 5 of the Tamil Nadu Registration of Births and Deaths Rules 2000 ought to have registered the death within 21 days from the date of death of petitioner's son i.e. 24.06.2018, failing which, they ought to have done within 30 days with a payment of late fee. If it was not registered within 30 days in terms of Rule 9 (2) of the Tamil Nadu Registration of Births and Deaths Rules 2000, it is permissible to register within one year, subject to payment of late fee of Rs.200/-. However, since more than 6 years have gone by since the death of petitioner's son, death will have to be registered only in terms of Rule 9(3) of the of the Tamil Nadu Registration of Births and Deaths Rules 2000, which reads as under:

“(3) 4 [Any birth or death which has not been registered within one year of its occurrence shall be registered by an order of the Executive Magistrate not below the rank of a Revenue Divisional Officer] and on payment of late fee of 3 [rupees Five hundred].”

3. In that view of the matter, learned Government Advocate would submit that petitioner may have to take out an appropriate application before Executive Magistrate not below the rank of Revenue Divisional Officer on payment of



appropriate late fee. If any such application is made, the same would be considered and appropriate orders would be passed, in accordance with law, which was agreed to by learned counsel for petitioner.

4. In view thereof, it is open to petitioner to submit an application before Executive Magistrate not below the rank of Revenue Divisional Officer on payment of appropriate late fee. If any such application is made, the same shall be considered and death shall be registered, after providing an opportunity of hearing to petitioner, in accordance with law. It is made clear that this Court has not expressed any views with regard to the merits of the case.

5. Writ petition stands disposed of. No costs.

06-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MRN

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Pammal Municipality Office,
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Pammal Sub-Registrar Office,
Pammal, Chennai-75



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MOHAMMED SHAFFIQ, J.

MRN

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