

Single Bench

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IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

W.P.(C) No. 1106 Of 2013

PETITIONER

: Latelu Ram S/o Kapil, aged about 55 years, R/o Satnami para Village and Post Raipura, Police Station Purani Basti, Tahsil, Civil and Revenue District - Raipur (C.G.).

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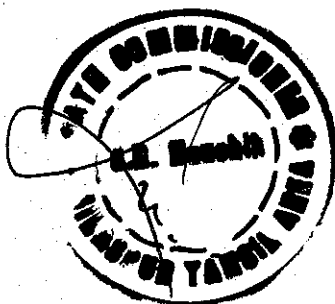
Presented by Shri. Ituam

Dated 24/07/13

VERSUS

RESPONDENTS

- :1 State of Chhattisgarh, through Secretary, General Administration Department, Mahanadi Mantralaya New Raipur, District-Raipur (C.G.)
2. Nayab Tahsildar (Poonam Sharma) Tahsil Office, G.E. Road, Raipur, District - Raipur (C.G.)
3. Deputy Director, District Planning and Statical Office in the office of Collectorate Raipur, District - Raipur (C.G.).
4. Station In-charge, Police Station Purani Basti, District - Raipur (C.G.).
5. Registrar, Birth and Death, Municipal Corporation, Raipur, District - Raipur (C.G.).
6. Shesh Narayan Das, Kotwar, R/o Village Raipura, Block Office Dharsiwa, P.S. Purani Basti, Tahsil and District - Raipur (C.G.).
7. Officer -in-charge, Police Station Kotwali, District - Raipur (C.G.).



WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONERS:-

As above in the cause title.

2. PARTICULARS OF THE RESPONDENTS:-

As above in the cause title.



HIGH COURT OF CHHATTISGARH : BILASPUR
WRIT PETITION (C) No. 1106 of 2013

PETITIONER

Latelu Ram

Versus

RESPONDENTS

State of Chhattisgarh & others

(Writ Petition under Article 226 of the Constitution of India)

Single Bench : Hon'ble Shri Pritinker Diwaker, J.

Present :- Shri H.B. Agrawal learned senior counsel assisted by Smt. Itu Rani Mukherjee Advocate for the petitioner.
Shri N. Naha Roy P.L. for the State.

ORDER
(20.12.2013)

Grievance of the petitioner is that he had approached the competent authority i.e. Nayab Tehsildar, Raipur for getting 'Death Certificate' in respect of death of one late Budhram Satnami S/o Dukalu Satnami who happens to be his paternal uncle but the application has been rejected solely on the ground that no documentary evidence has been produced.

2. Counsel for the petitioner submits that the Nayab Tehsildar should have conducted detailed enquiry before passing the order and his application could not have been rejected in a mechanical manner without affording proper opportunity to the petitioner to produce the evidence.

3. Drawing the attention of this Court towards Section 13(3) of the Births and Deaths Registration Act, 1969, counsel for the petitioner submits that proper enquiry should have been conducted by the Nayab Tehsildar before passing any order on the application of the petitioner.

4. State counsel has supported the order impugned.

5. From the order impugned it is apparent that application of the petitioner has been dismissed in a mechanical manner on the same date without any verification. Therefore, the impugned order dated 24.07.2012 (Annexure P-1) is hereby set aside. The petitioner is at liberty to file a fresh application before the Tehsildar, who, in turn, would pass an appropriate order on such application after conducting detailed enquiry.

6. It is made clear that this Court has not observed anything on merits of the case and Tehsildar would decide the application of the petitioner after considering all the aspect of the case in accordance with law.

Sd/-
Pritinker Diwaker
Judge