

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10421 of 2015

Kanagasabai

...Petitioner

1. The Tahsildar
Ponneri Tahsildar Office
Ponneri Taluk
Thiruvallur District
2. The Assistant Commissioner
Zone-V, Chennai Corporation,
Chennai
3. The Dean
Stanley Hospital, Chennai 1
[R2 R3 suo motu impleaded as
per order dated 26.06.2015]

vs

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to issue death certificate of his son Viswanathan to the petitioner pursuant to the representation dated 11.3.2015.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.M.Digvijaya Pandian
Additional Government Pleader
for RR1 & 3

Mr.P.V.Selvakumar for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. According to the petitioner, he is the father of the deceased viz. Viswanathan, who was working in Radha Engineering Pvt. Ltd., and he was physically challenged and unmarried. The petitioner would further state that on 4.5.2014, his son during the course of his employment, developed chest pain and immediately, he was taken to the Government Stanley Hospital and the Doctors, on seeing his condition, declared him dead on arrival and in this regard, the Inspector of Police, E3, Minjur Police Station, has also registered a case in Crime No.183/2014, under Section 174 of Cr.P.C., and after conducting postmortem, his body was handed over to the relatives. According to the petitioner, he sent a representation dated 11.3.2015, to the first respondent praying for issuance of death certificate and since he has not been favoured with any kind of response, came forward to file this writ petition.

3. The learned Counsel appearing for the petitioner, would submit that though the petitioner has approached the first respondent very many times for getting the death certificate, he was not favoured with any kind of response and therefore, he has submitted a representation dated 11.3.2015, and it remains unanswered so far and prays for appropriate orders.

4. The Court heard the submissions of Mr.M.Digvijaya Pandian, learned Additional Government Pleader, who accepted notice on behalf of the respondents 1 and 3, and Mr.P.V.Selvakumar, learned Standing Counsel, who accepted notice on behalf of the second respondent, also.

5. The learned Additional Government Pleader would submit that the jurisdictional Officer is the Assistant Commissioner, Zone V, Chennai Corporation, the second respondent herein, and since the death has not been registered within one year from the date of death, in accordance with the Tamil Nadu Registration of Births and Deaths Act, the remedy open to the petitioner, is to approach the jurisdictional Magistrate and after getting orders, the said Officer can register the death and issue a certificate to that effect.

6. This Court, in the light of the above said submissions and facts and circumstances, permits the petitioner to approach the jurisdictional Magistrate (XXI Metropolitan Magistrate, Chennai, otherwise known as Corporation Magistrate Court) within a period of two weeks from the date of receipt of a copy of this order and the said Court, on receipt of the petition, shall entertain it, if the papers are otherwise, in order, and give a disposal to the same in

accordance with law, as expeditiously as possible. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Tahsildar
Ponneri Tahsildar Office
Ponneri Taluk
Thiruvallur District
2. The Assistant Commissioner
Zone-V, Chennai Corporation,
Chennai
3. The Dean
Stanley Hospital, Chennai 1

Copy to:

The XXI Metropolitan Magistrate
Chennai

1 CC to Mr.T.Muruganantham, Advocate SR.No. 33274

1 CC to Mr.P.V.Selvakumar, Advocate SR.No. 33602

KSJ (CO)
PSI (07.07.2015)

W.P.No.10421 of 2015

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