

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN, J

Writ Petition No.33283 of 2015

Nirmala Devi

.. Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Department of Public Health,
Chennai - 3.

2.The Health Officer,
Corporation of Chennai,
Chennai - 600 003.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 30.06.2015 and direct the respondents to cancel the bogus death certificate bearing Registration No.1993/06/093/000019.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.P.V.Selvakumar

ORDER

The petitioner's paternal grand father K.Nanda Gopal Pillai died on 22.11.1949. The petitioner's father Mr.Gopalakrishnan died on 25.12.1987. There are properties left by the petitioner's grand father and therefore, the petitioner wanted the death certificate of K.Nanda Gopal Pillai and applied to the respondents. The respondents granted death certificate to the petitioner stating that the said K.Nanda Gopal Pillai died on 10.12.1942. According to the petitioner, the said date of death of K.Nanda Gopal Pillai is wrong and the actual date of death is 22.11.1949 and for which also, she has enclosed a copy of the death certificate issued by the second respondent on 21.06.2011. In this regard, the petitioner has given a representation dated 30.06.2015 to to the respondents to cancel the death certificate dated 10.12.1942 and issue fresh death certificate of K.Nanda Gopal Pillai as 22.11.1949. The said representation has not been disposed of so far, and hence, the petitioner is before this Court with this writ petition.

2.Heard Mr.R.Veeramani, learned counsel for the petitioner and Mr. P.V.Selvakumar, learned counsel for the respondents.

3. There are two different dates in respect of the death of K.Nanda Gopal Pillai as 10.12.1942 and 22.11.1949. There cannot be two date of death for a single person. According to the petitioner, it is only on 22.11.1949, the said K.Nanda Gopal Pillai died and not on 10.12.1942 and therefore, she seeks to cancel the death certificate showing the date of death of K.Nanda Gopal Pillai as 10.12.1942. When two death certificates were available, giving two different dates of death of K.Nanda Gopal Pillai, it is the bounden duty of the respondents to conduct enquiry and hence, the respondents are directed to find out the correct date of death of K.Nanda Gopal Pillai, after issuing notice to all the parties concerned and issue a fresh death certificate in respect of K.Nanda Gopal Pillai to the petitioner. At the time of enquiry, all the parties concerned shall furnish all the original documents available with them, within a period of two weeks from the date of receipt of a copy of this order.

4. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm
To

1. The Commissioner,
Corporation of Chennai,
Department of Public Health,
Chennai - 3.

2. The Health Officer,
Corporation of Chennai,
Chennai - 600 003.

+1cc to Mr.P. V. Selvakumar, Advocate, S.R.No.57245
+1cc to Mr.R. Veeramani, Advocate S.R.No.57749

RSI(CO)
EU(05/11/2015)

W.P.No.33283 of 2015