

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.35614 OF 2015

DATED:2-11-2015

Between:

Mr. M. Kumara Swamy ... Petitioner

And

State of Andhra Pradesh

Rep. by its Principal Secretary

Panchayat Raj Department

A.P. Secretariat

Secretariat Buildings

Hyderabad

and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. P. Rama Bhoopala Reddy

COUNSEL FOR RESPONDENT NOS.1 to 3: A.G.P. for Panchayat Raj

COUNSEL FOR RESPONDENT NO.4 : -

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the action of respondent Nos.3 and 4 in not issuing death certificate of Late Smt. Ammuru Dhanamma, W/o. Late Gangaiah, as illegal and arbitrary.

The petitioner has earlier filed W.P. No.20871 of 2011 with the grievance that

respondent No.4 is taking contradictory stand with regard to issue of death certificate of Smt. A. Dhanamma. In his counter affidavit as respondent No.1 in the said writ petition, respondent No.4 has categorically stated that A. Dhanamma, W/o. Gangaiah, died on 30.03.1971 and that the earlier certificate issued by him to the effect that the records were not available relating death of A. Dhanamma was cancelled on 12.11.2009. Respondent No.3 has also filed a counter affidavit in the said writ petition taking a similar stand as taken by respondent No.2. Having regard to the said counter affidavits, this Court has passed order on 25.11.2014 closing W.P. No.20871 of 2011 having regard to the statements made by the said respondents that A. Dhanamma died on 30.03.1971.

In the light of the stand taken by respondent Nos.3 and 4, which was placed on record by this Court in the above mentioned judicial order, the petitioner need not obtain any further certificate as the said order is conclusive proof of the fact that Smt. A. Dhanamma died on 30.03.1971.

Subject to the above observations, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.45750 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

02-11-2015

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