

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.19178 of 2015

Between :

K. Manga W/o.Late K. Gopal Krishna,
Aged about 40 yrs, Occu : Housewife,
R/o.H.No.10-12, Opposite Andhra bank,
Katuru, Vuyyuru Mandal, Krishna District, A.P.

.. Petitioner

and

Katuru Gram Panchayat, Katuru Village,
Vuyyuru Mandal, Krishna District,
Rep., by its Executive Officer & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 30.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.19178 of 2015

ORDER :

The subject matter of the writ petition is to grant certificate of death of husband of the petitioner. According to the petitioner, her husband died on 16.04.2015 and informing the death of her husband, a representation was submitted on 05.06.2015 to the 1st respondent, requesting to issue certificate of death. Alleging that inspite of such request, no certificate is issued this writ petition is filed.

2. Learned counsel for the petitioner submits that when the death occurs in a family and when the wife of the deceased, informs the Gram Panchayat to issue certificate of death, it is mandatory on the part of Gram Panchayat to issue such certificate and the delay in issuing of certificate is unwarranted as the said certificate is required for various purposes.

3. Learned Standing counsel submits that it appears the husband of the petitioner died in Bopana Hospital, located in Tadigadapa village. Since the death caused outside the Gram Panchayat limits, the Katuru Gram Panchayat cannot issue death certificate. He further submits that as per the instructions furnished by the Director of Health, A.P., Hyderabad, dated 11.07.2007, death certificate can be issued after death is registered with the concerned Panchayat within whose jurisdiction the death occurred and a copy of the summary report of Births and Deaths register may be obtained from said village Panchayat Secretary and furnish to the District Medical and Health Officer through the Medical Officer. There is a form prescribed for making a requisition for issuance of death certificate. In the instant case, admittedly, the said application was not made in the prescribed form.

4. Learned standing counsel further submits that based on the averments made in the affidavit filed in support of the writ petition, there is some suspicion on the death of the husband of the petitioner and that there was some police investigation. Further more, since the death occurred in a hospital in another village, the petitioner ought to have applied to the hospital about the cause of death and based on it, the petitioner ought to have submitted an application to the Tadigadapa Gram Panchayat, where the death occurred. But straight away she has applied to the Gram panchayat of Katuru

village, only on the ground that they are the original residents of the said village.

5. Admittedly, the death occurred in Bopana Hospital of Tadigadapa Gram Panchayat. Though a wrong statement is made by the petitioner in the representation submitted to the Gram Panchayat on 05.06.2015, in the affidavit filed in support of this writ petition, the same is now corrected and it is stated that the death occurred in Bopana hospital in Tadigadapa village. The petitioner also admits that the investigation was taken up by the police on suspicious circumstances of causing of death. But according to the petitioner the investigation has not proved any adverse reasons for the death and that the death is caused in normal course.

6. Be that as it may, in terms of the procedure envisaged on submission of application for issuance of death certificate, since the death occurred in Tadigadapa village, the petitioner ought to have applied to Tadigadapa Gram Panchayat in the prescribed form duly enclosing the medical report of cause of death. Without following the said procedure, straight away a representation is submitted to the Katuru Gram Panchayat and alleging that no orders are passed and alleging deliberate inaction, this writ petition is filed. The writ petition in the present form is misconceived and is liable to be dismissed. However, liberty is granted to the petitioner to submit application in the prescribed format as explained in detail in the counter affidavit and the relevant forms enclosed to the counter affidavit, to the Gram Panchayat of Tadigadapa and as and when such representation is received by the Tadigadapa Gram Panchayat, it shall take further course of action as warranted by law.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

30th July, 2015.
Rds

P.NAVEEN RAO,J