

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.10388 of 2016

T.Nizamudeen

... Petitioner

Vs.

1. The Assistant Commissioner
Zone 7, Greater Chennai,
Chennai Corporation,
Ambattur,
Chennai - 600 053,
2. The Health Inspector,
Zone 7, Greater Chennai,
Chennai Corporation,
Ambattur, Chennai - 600 053.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to issue a death certificate or Not Traceable Certificate and to consider the representation sent by the petitioner dated 9.3.2016 to the respondents within the time stipulated by this Court.

For Petitioner : Mr.S.V.S.Ilamvazhuthi
For Respondents : Mr.P.V.Selvakumar
for RR.1 and 2

सतसमेव जयते
O R D E R

The petitioner has filed this writ petition to direct the respondents to issue death certificate or not traceable certificate by considering the representation of the petitioner dated 9.3.2016. In the said representation, the petitioner would state that his mother Tmt.T.Alima, wife of late Tajudeen died on 25.5.2011 and her last rites were performed at the Chennai Muslim Welfare Sangam, Mugappair and the said Sangam has issued a death report dated 24.05.2011. The petitioner would state that he was in a wrong impression that the death report given by the burial ground is the death certificate, but only later he came to know that he has to obtain death certificate from the Corporation of Chennai, within whose jurisdiction the area falls

after the limits of the Corporation were extended. Therefore, along with the death report, the petitioner has approached the respondents with a representation to issue death certificate. However, the said representation has not been considered.

2. Heard the learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Standing counsel appearing for the respondents.

3. If the facts stated by the petitioner are correct, the respondent may make proper verification and proceed in accordance with law. However, if the facts stated by the petitioner are incorrect, the petitioner has to be intimated accordingly so that the petitioner could seek other remedies, which are open to him under law.

4. Learned Standing counsel appearing for the respondents pointed out that specific application has not been made by the petitioner to the 1st respondent, but only to the Ambattur Municipality. Therefore, it is open to the 1st respondent to call upon the petitioner to appear in person and produce the necessary documents.

5. In the light of the above, a direction is hereby issued to the 1st respondent to issue notice to the petitioner for his appearance with the necessary documents along with a copy of the representation dated 9.3.2016 and thereafter pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order. The writ petition is disposed of accordingly. No costs.
usk

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

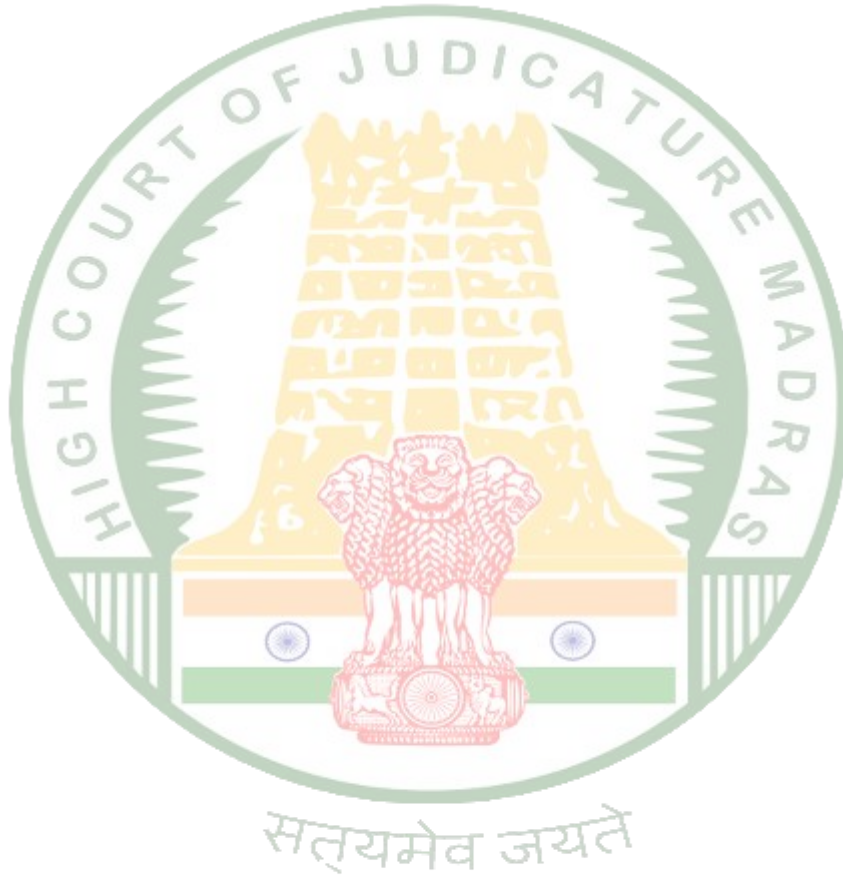
1. The Assistant Commissioner
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Chennai Corporation,
Ambattur,
Chennai - 600 053,
2. The Health Inspector,
Zone 7, Greater Chennai,
Chennai Corporation,
Ambattur, Chennai - 600 053.

+ 1 cc to Mr.P.V.Selvakumar, Advocate, SR 17818

+ 1 cc to Mr.S.V.S.Ilamvazhuthi, Advocate, SR 17768

ca(co)
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W.P.No.10388 of 2016



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