

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1332 of 2016

S.Lakshmi Ammal

... Petitioner

Vs.

1. The Deputy Commissioner,
Health Department,
Corporation of Chennai,
Ripon Building, Chennai - 03.

2. The Assistant Health Officer,
Chennai Corporation (Birth & Death)
Ripon Building, Chennai - 03.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the second respondent to issue non availability certificate for non registration of death as per the rule 13(3) of The Birth and Deaths Act 1969 within a reasonable time.

For Petitioner : Mr.C.B.Muralikrishnan

For Respondents : Mr.P.V.Selvakumar

ORDER

Heard the learned counsel for the petitioner and Mr.P.V.Selvakumar, learned standing counsel for the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner, who claims to be the wife of late Somasundram, has filed this writ petition to direct the 2nd respondent to issue non availability certificate for non registration of the death of her husband as per the provisions of the Births and Deaths Act, 1969.

3.It is seen that the petitioner had applied for the said certificate only during 2015, when it is her case that her husband passed away in 1959. It is not known as to why application was not made earlier. However, the application submitted by the petitioner to the 1st respondent has not been rejected. Rather the petitioner was directed to submit certain documents vide communication dated 06.11.2015.

4.Therefore, the proper procedure in the instant case is for the petitioner to furnish the documents, if available with her. If not, she may make a representation to the said effect, which shall be considered by the 1st respondent in accordance with the provisions of the Act, within a period of eight weeks from the date on which the petitioner complies with the return or submits representation.

5.The Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Deputy Commissioner,
Health Department,
Corporation of Chennai,
Ripon Building, Chennai - 03.

2. The Assistant Health Officer,
Chennai Corporation (Birth & Death)
Ripon Building, Chennai - 03.

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.2559

BVR(CO)
CA(27/01/2016)

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