

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.39522 of 2016

A.Krishnan

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Petitioner

Vs

1.The Tahsildar,
Tindivanam Taluk,
Villupuram District

2.The Village Administrative Officer,
Agoor Village,
Tindivanam Taluk,
Villupuram District.

3.The Panchayat President,
Agoor Village,
Mailam Panchayat Union,
Tindivanam Taluk,
Villupuram District.

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Respondents

Writ Petition is filed under Article 226 of the constitution for issuance of writ of mandamus directing the 2nd respondent to forthwith register the death of the petitioner's deceased son (late) Mr.K.Balakrishnan, aged about 25 years and further direct the 1st respondent to issue a death certificate on the basis of said entry in the death register, in pursuance to the petitioner's representation dated 06.08.2016.

For Petitioner : Mr.R.Veeramani

For R-1 : Mr.P.V.Selvakumar
Addl. Govt. Pleader

For R-2 & R-3 : Mr.M.Perumal,
Govt. Advocate

O R D E R

The petitioner has come before this court seeking writ of mandamus directing the respondent to register the death of

his son Mr.K.Balakrishnan and issue death certificate pursuant to his representation dated 06.08.2016.

2. It is the case of the petitioner that his son Mr.K.Balakrishnan, who was working as a driver in a private transport company died in a road traffic accident on 30.09.2015 on the National Highway No.5 at Balasur District, Kandarpada Police, State of Odisha. In this regard, FIR in Crime No.331 of 2015 was registered and autopsy on the body of the deceased was conducted in Government General Hospital, Kandarpada on 01.10.2015 and the postmortem certificate was also issued. The hospital authority also gave a certificate dated 01.10.2015 to carry the body of the deceased in the ambulance to the petitioner's native place and thereafter the cremation took place in the petitioner's village. Since the petitioner's son died in the State of Odisha in the road traffic accident, the death could not be registered in Tamil Nadu. In this regard, the petitioner gave representation to the 1st respondent on 06.08.2016 and to the 2nd & 3rd respondents on 26.08.2016 but so far, the death certificate has not been issued, compelling the petitioner to come before this Court.

3. Heard Mr.R.Veeramani, learned counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the first respondent and Mr.M.Perumal, learned Government Advocate appearing for the second and third respondents.

4. It is evident from the documents viz. FIR dated 01.10.2015 registered by Kandarpada Police Station, Postmortem certificate dated 01.10.2015 and the transit certificate issued by the hospital authorities that the petitioner's son Mr.K.Balakrishnan died in the road traffic accident on 30.09.2015. When the death of the petitioner's son has been proved by those documents, necessarily, the first respondent has to necessarily register and issue death certificate though the death has occurred outside the State of Tamil Nadu.

5. When the matter is called today, the first respondent is present before this Court and submitted that the death certificate has been made ready recording the death of the petitioner's son K.Balakrishnan. The said death certificate has been produced before this court and the same is perused.

6. Recording the above said submission and also the fact that the death certificate has been issued to the petitioner, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Tahsildar,
Tindivanam Taluk,
Villupuram District

2.The Village Administrative Officer,
Agoor Village,
Tindivanam Taluk,
Villupuram District.

3.The Panchayat President,
Agoor Village,
Mailam Panchayat Union,
Tindivanam Taluk,
Villupuram District.

+lcc to the Government Pleader, S.R.No.69612

gj (CO)
md(20/12/2016)

सत्यमेव जयते

W.P No.39522 of 2016

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