

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.07.2016****CORAM****THE HONOURABLE MR.JUSTICE M.VENUGOPAL****Writ Petition (MD) No.12862 of 2016**

Chinnammal

... Petitioner

Vs.

1.The Commissioner,
City Corporation,
Tiruchirappalli City.

2.The Registrar of Birth and Death,
Ward No.52, Tiruchirappalli City Corporation,
Tiruchirappalli City. ... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to alter the name of the petitioner's husband as Chokkan and the name of the petitioner's father-in-law as Rengan and the age of the petitioner's husband as 65 years in the death certificate issued by the 2nd respondent dated 27.02.2016 and to direct the 2nd respondent to issue a fresh death certificate for the death of the petitioner's husband who died on 21.06.2014 as per the petitioner's representation dated 01.03.2016.

For Petitioner :Mr.T.M.Madasamy

For Respondents :Mr.N.S.Karthikeyan
Additional Government Pleader

O R D E R

Heard both sides.

2.By consent, the main writ petition itself is taken up for final disposal.

3.No counter is filed on behalf of the respondent.

4.According to the petitioner, her marriage with her husband Chokkan took place in the year 1983 and ever since the year 1983, she was residing with her husband at the petitioned address. In fact her husband was employed in Thiakesar Aalai, Manapparai, a textile unit of Meenakshi Mills Limited, Madurai as

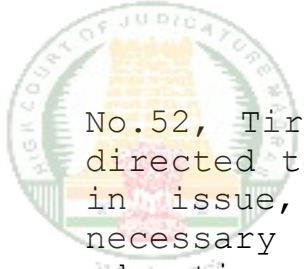


a labour. Out of the wedlock, she gave birth to a female child in the year 1985. Her husband retired from service and her husband was receiving EPF pension from 06.06.2010. Her husband died on 21.06.2014 due to illness. The stand of the petitioner is that her husband was admitted in the Mahatma Gandhi Memorial Government Hospital, Tiruchirappalli for treatment and he died due to illness on 21.06.2014. At the time of her husband's death, herself, her daughter and some of her relatives were in the hospital and the hospital staff received information from one of her relatives and the information furnished was incorrect. Since she is an illiterate, she was not able to verify the particulars given in the application form and the particulars in the death certificate.

5.The plea taken on behalf of the petitioner is that she came to know about the death particulars only after receiving the death certificate from the second respondent/Registrar of Birth and Death, Ward No.52, Tiruchirappalli City Corporation, Tiruchirappalli City. Immediately, she made a request before the second respondent to alter the name of her husband, the age of her husband and the name of her father-in-law, as the name of her husband is Chokkan and the name of her father-in-law is Rengan and age of her husband is 65 years. She has also produced necessary documents before the second respondent with regard to name and age of her husband and name of her father-in-law. Again the second respondent issued the same certificate ignoring the particulars produced by her.

6.The petitioner made a representation dated 01.03.2016, before the first respondent/Commissioner, City Corporation, Tiruchirappalli City and the first respondent forwarded the same to second respondent. Even after that the second respondent has not issued a fresh death certificate. Her husband has received EPF pension and to get her husband's pension, the death certificate of her husband is very much required. Hence, she filed the present Writ Petition.

7.Considering the fact that the Petitioner's representation dated 01.03.2016, addressed to the first respondent/Commissioner, City Corporation, Tiruchirappalli City was forwarded to the second respondent/Registrar of Birth and Death, Ward No.52, Tiruchirappalli City Corporation, Tiruchirappalli City and is pending before the second respondent, without any disposal or progress, till this date, at this stage, this Court, without expressing any opinion on the merits and contents of the representation of the petitioner, dated 01.03.2016, simpliciter, in the interest of Justice and Fair Play, directs the second respondent/Registrar of Birth and Death, Ward No.52, Tiruchirappalli City Corporation, Tiruchirappalli City, to ~~consider the representation of the petitioner dated 01.03.2016, within a week from the date of receipt of a copy of this order, thereafter, the respondent/Registrar of Birth and Death, Ward~~



No.52, Tiruchirappalli City Corporation, Tiruchirappalli City, is directed to pass a reasoned, speaking order in the subject matter in issue, on merits in a dispassionate manner by affording necessary opportunity to the petitioner and others concerned, by advertng to the principles of Natural Justice, within a period of two weeks. The petitioner is also required to render her assistance and unstinted co-operation to the second respondent/Registrar of Birth and Death, Ward No.52, Tiruchirappalli City Corporation, Tiruchirappalli City, so as to enable him to dispose of her representation dated 01.03.2016, within the time determined by this Court.

8.With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

sj

To

1.The Commissioner, City Corporation,
Tiruchirappalli City.

2.The Registrar of Birth and Death,
Ward No.52, Tiruchirappalli City Corporation,
Tiruchirappalli City.

+1CC to Mr.T.M.Madasamy, Advocate Sr.No.40749

GJM/NGM/MP/8.8.16-3p-4c

Writ Petition (MD).No.12862 of 2016
28.07.2016