

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 29.08.2016****CORAM****THE HONOURABLE MR.JUSTICE T.RAJA****W.P (MD) No.13598 of 2016**

S.Vethamuthu

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Anna Maaligai,
Madurai-625 002.

2.The Sanitary Inspector/
Birth & Death Registrar,
Madurai Corporation,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's reply dated 15.06.2016 and correct the petitioner's son-in-law name as P.Edwin instead of Kapali in the Death Certificate of petitioner's daughter Buella Sundaramani and to issue Death Certificate within a stipulated time.

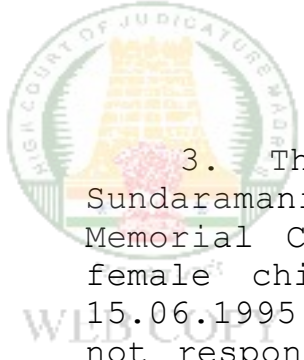
For petitioner : Mr.P.Saravanakumar

For respondents : Mr.R.Murali

ORDER

The petitioner, Mr.S.Vethamuthu, S/o Samuel, aged about 76 years, claiming to be the grandfather of Jemina Dawn Tawn, has brought this Writ Petition seeking issuance of a Mandamus, directing the Commissioner, Madurai Corporation, to consider his representation/reply dated 15.06.2016 and correct his Son-in-law's name as P.Edwin instead of Kapali in the death certificate of his daughter viz., Buella Sundaramani and to issue Death Certificate within a stipulated time.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondents.



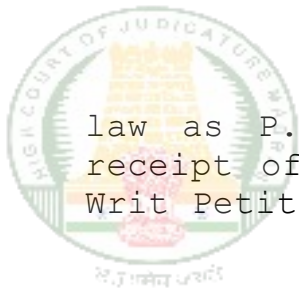
3. The marriage between the petitioner's daughter/Buela Sundaramani with one P.Edwin was solemnized on 13.06.1994 at CSI Memorial Church, Pasumalai, Madurai and out of their wedlock, a female child by name Jemina Dawn Tawn, was born to them on 15.06.1995. Unfortunately the petitioner's daughter fell ill and not responding to the treatment, she died on 01.10.2001. Adding further sorrow to the family, his son-in-law also died due to illness on 25.02.2003, leaving the daughter/ Jemina Dawn Tawn to the care and custody of the petitioner/grandfather.

4. In such circumstances, the petitioner applied for the death certificate relating to his daughter Late Buela Sundaramani and in the certificate issued, the name of her husband Mr.P.Edwin was wrongly shown as Kapali, which was factually incorrect on the face of the Birth Certificate, dated 16.06.1995, issued to the petitioner's granddaughter/ Jemina Dawn Tawn by the Sanitary Inspector-cum- Births and Deaths Registrar, Madurai Corporation. In the said Birth Certificate, the name of the petitioner's son-in-law was correctly recorded as Edwin, however, it has been wrongly shown as Kapali in the Death Certificate of Late Buela Sundaramani. Therefore, he has made an Application on 15.06.2016 enclosing all the relevant documents viz.,

- (1) Marriage Invitation and Marriage Certificate of the petitioner's daughter;
- (2) Birth Certificate of the petitioner's granddaughter;
- (3) Service Register of the Petitioner's Son-in-law P.Edwin;
- (4) Family Pension Order of P.Edwin;
- (5) Baptismal certificate of the petitioner's Granddaughter;
- (6) School Transfer Certificate of the petitioner's Granddaughter;
- (7) Death Extract of the petitioner's Daughter given by the Church;
- (8) Death Certificate of the petitioner's Daughter, issued by Madurai Corporation;
- (9) Certificate given by the V.A.O.

Therefore, when all other documents are clearly indicating the name of his son-in-law as P.Edwin, in the Death Certificate of his daughter, it was mentioned wrongly as Kapali which is liable to be corrected. Therefore, it is pleaded that a direction may be given as prayed for by the petitioner.

5. As rightly stated by the petitioner, in all the above mentioned Certificates, the name of the petitioner's son-in-law was mentioned only as P.Edwin. It seems, due to inadvertence, his name has been wrongly mentioned as Kapali in the Death Certificate of the petitioner's daughter. Therefore, the second respondent - the Sanitary Inspector / Birth and Death Registrar, Madurai Corporation, is hereby directed to accept the petitioner's ~~representations~~ ^{representations} submitted along with all necessary certificates as mentioned above and issue the Death Certificate in respect of petitioner's daughter, by mentioning correct name of his son-in-



law as P.Edwin, within a period of one week from the date of receipt of a copy of this Order. With the above directions, this Writ Petition is disposed of. No costs.

Sd/

Assistant Registrar (RTI)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Madurai Corporation,
Anna Maaligai,
Madurai-625 002.

2.The Sanitary Inspector/
Birth & Death Registrar,
Madurai Corporation,
Madurai-625 002.

+1 cc to M/S.P.KALAIYARASI BHARATHI, Advocate Sr.No.48023

+1 cc to M/S.R.MURALI, Advocate Sr.No.48025

W.P (MD) No.13598 of 2016

29.08.2016

SMA/AAL-MPA/SAR-III/04/10/2016 :3P/5C