



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2016

CORAM

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. (MD) No.8749 of 2016

Raja @ Ayyanan

.. Petitioner

vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Sanitary Inspector,
(Registrar of Birth and Death),
Madurai Corporation,
Madurai.

3.The Village Administrative Officer,
(Registrar of Birth and Death)
Rajakambiram, Podasapatti,
Othakadai, Madurai East,
Madurai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd Respondents to consider the Petitioners representation dated 31.03.2016 for altering the Petitioners father name Kallanai @ Saravanan in the Death Certificate issued by the 2nd Respondent dated 08.01.2016 based on the certificate issued by the 3rd Respondent.

For Petitioner : Mr.R.Ganesh Prabu

For Respondents : Mr.J.Gunaseelan Muthaiah
Government Advocate

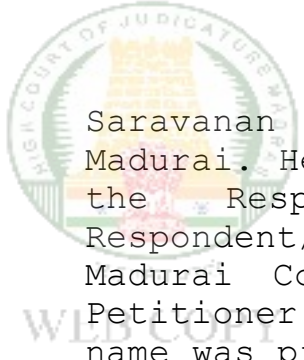
O R D E R

Heard the Learned counsel for the Petitioner and the Learned Government Advocate appearing for the Respondents.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.According to the Petitioner, his father viz., Kallanai @



Saravanan died on 19.12.2015 at Government Rajaji Hospital, Madurai. He applied for the death certificate of his father before the Respondent Nos.1 and 2. On 08.01.2016, the Second Respondent/Sanitary Inspector (Registrar of Birth and Death), Madurai Corporation, Madurai, issued the death certificate of Petitioner's father. But in the death certificate, his father's name was printed as Kallanai only.

4.The stand of the Petitioner is that due to computerisation entry, the Second Respondent office had entered his father's name only as Kallanai and omit the name of his father 'Saravanan'. Indeed his deceased father's name is Kallanai @ Saravanan.

5.The Petitioner on 10.02.2016 directly approached the Second Respondent with supportive documents like Ration Card and Voter ID and further, the Second Respondent asked him to obtain a proper authorisation from the Village Administrative Officer. Hence, he approached the Village Administrative Officer/Third Respondent. On 18.03.2016, after conducting a detail enquiry, the Third Respondent has recommended to the Second Respondent to alter the name of Petitioner's father in the Death Certificate as 'Kallanai @ Saravanan'.

6.It appears that the Petitioner's representation, dated 31.03.2016 addressed to the Respondent Nos.1 and 2 seeking for alteration of his father's name in the death certificate issued by the Second Respondent, dated 08.01.2016 (based on the certificate issued by the Third Respondent), is pending without any disposal till date. Hence, the Petitioner is constrained to file the present writ petition.

7.In view of the fact that the Petitioner's representation, dated 31.03.2016, in the subject matter in issue is pending as on date (without any progress), this Court, at this stage, simpliciter, in the interest of equity, justice, fair play and good conscience, directs the Respondent Nos.1 and 2 to look into the representation of the Petitioner with all earnestness and seriousness and to dispose of the same on merits by passing a detail order (Ofcourse after providing adequate opportunity to the Petitioner and others concerned by following the principles of natural justice in true letter and spirit), within a period of six weeks from the date of receipt of a copy of this order.

8.It is open to the Petitioner to submit necessary copies of records/documents before the Respondents 1 and 2 and on production of the same, the Respondent Nos.1 and 2 shall pass orders on the representation of the Petitioner, dated 31.03.2016, within the time determined by this Court. The Petitioner is directed to ~~submit necessary copies of records/documents before the Respondents 1 and 2~~ ^{seek the necessary co-operation and assistance} so as to enable him to give a quietus to the representation of the Petitioner, dated 31.03.2016 in a comprehensive manner.



9. With the aforesaid observations and directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

1. The Commissioner,
Madurai Corporation,
Madurai.
2. The Sanitary Inspector,
(Registrar of Birth and Death),
Madurai Corporation,
Madurai.
3. The Village Administrative Officer,
(Registrar of Birth and Death)
Rajakambiram, Podasapatti,
Othakadai, Madurai East,
Madurai District.

+1 CC to M/S.J.GUNASEELAN MUTHIAH, Advocate, SR No.30069
+1 CC to Mr.R.GANESH PRABHU, Advocate, SR No.29928
+1 CC to THE SPECIAL GOVERNMENT PLEADER , SR No.30146

W.P. (MD) No.8749 of 2016
13.06.2016

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