

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.14293 OF 2012

ORDER :

Heard counsel for the petitioner, the Government Pleader for Panchayat Raj appearing for respondents 2 & 3, and Sri Ravi Cheemalapati, Standing Counsel for 4th respondent.

2. None appeared for the 5th respondent even though he had engaged a counsel Sri M.Janardhan Rao, whose name is also printed in the cause list.

3. This Writ Petition is filed by the petitioner challenging the proceeding in R.C.No.128/2010, dt.04.05.2012 passed by the 4th respondent.

4. Petitioner contends that his father by name Shaik Galeeb Sab allegedly died in the year 1974 and an entry was made in the Register of Births and Deaths of Peddakakani Gram Panchayath on 29.12.1974 about the said event and a certificate to that effect was also issued to the petitioner.

5. The 5th respondent, who is son of petitioner, appears to have disputed this entry and given a complaint on 24.10.2011 to the District Collector, Guntur to cancel the death certificate of Shaik Galeeb Sab.

6. Thereupon, the 4th respondent issued a notice in Rc.No.128/2010, dt.25.10.2011 to the petitioner to show cause why the entry in the record of Deaths and Births in the Gram Panchayath to the effect that the petitioner's father-Shaik Galeeb Sab, had died on 29.12.1974 should not be cancelled and asked him to submit explanation in three days.

7. It appears that the petitioner came to know of the intention of the 5th respondent and gave a letter on 30.06.2011 to the District Panchayath Officer, Guntur District seeking certain information, who also directed the 4th respondent to furnish the said information vide proceedings R.C.No.3397/11-G4, dt.30.07.2011. But the 4th respondent did not furnish the said information to the petitioner.

8. In any event, the petitioner on 27.11.2011 submitted an explanation to the show cause notice dt.25.10.2011 referring to the above fact without prejudice to his rights.

9. Petitioner had also filed W.P.No.32305 of 2011 in this Court to declare the show cause notice dt.25.10.2011 and later show cause notice dt.30.11.2011 as illegal. The said Writ Petition was dismissed on 26.12.2011 directing the petitioner to submit a further explanation to the 4th respondent within one week from the date of receipt of a copy of the said order.

10. It appears that the petitioner did not submit any further explanation.

11. Thereafter, the impugned order has been passed on 04.05.2012 simply stating that the petitioner did not submit any further explanation pursuant to the direction given to him while dismissing W.P.No.32305 of 2011. Without adverting to the contents of the original explanation dt.27.10.2011, the receipt of which was also acknowledged by the 4th respondent, the impugned order was passed. The impugned order does not also give any reasons as to why the 4th respondent is canceling the Death Certificate.

12. Therefore, the impugned order cannot be sustained not only on the ground that the explanation of the petitioner dt.27.10.2011 has not been considered by the 4th respondent but also on the ground that no reasons are assigned in the said order.

13. The Writ Petition is accordingly allowed and 4th respondent is directed to furnish the information sought by the petitioner, as per his request dt.30.07.2011 and as directed by the 3rd respondent in his proceedings dt.30.07.2011. He shall consider the explanation submitted by the petitioner on 27.10.2011 and any other explanation which the petitioner may furnish, on the basis of the material, the 4th respondent is now directed to furnish to the petitioner and then pass a reasoned order within eight (08) weeks from the date of receipt of a copy of this order. The 4th respondent shall also personally pay costs of Rs.1,500/- to the petitioner.

14. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

18th February, 2016.
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