

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34634 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents 1 to 3. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed with the following prayer:

“to issue an appropriate writ, direction or order, more particularly one in the nature of Writ of Mandamus declaring that the order passed by the Respondent No.1 in R.C.No. 3143/2016-H, dated 19-04-2016, as illegal and void, having been passed without hearing the Petitioner in utter violation of the Principles of Natural Justice, resulting in serious prejudice and civil consequences to the Petitioner and it is further consequentially prayed that this Hon'ble Court may be pleased to set aside the said order dated 19-04-2016, duly directing the Respondent Nos.1 & 2 to conduct an Enquiry De novo into the issuance of death certificate in issue, and to restore the original death certificate dated 22-12-2015 issued to the Petitioner.”

3. A perusal of the material on record would show that the 1st respondent – Revenue Divisional Officer, vide proceedings R.C.No.3143/2016-H, dated 19.04.2016, cancelled the proceedings dated 14.12.2015, issued by him earlier, recommending the Registrar of Births and Deaths, Guntur, for issuance of the Death

Certificate of mother of the petitioner. It is said that the Registrar of Births and Deaths, Guntur issued a Death Certificate dated 22.12.2015, certifying the date of death of the mother of the petitioner as 20.01.2014. Later, one Ramavath Krishna Naik, styling himself as the State President of Lambadi Hakkula Porata Samithi, allegedly lodged a complaint with the 1st respondent to cancel the Death Certificate of mother of the petitioner stating that the same is incorrect. Pursuant to which, R.1 issued the impugned proceedings dated 19.04.2015 cancelling his recommendations dated 14.12.2015, without giving any notice to the petitioner. Challenging the said action, the present writ petition is filed.

4. The only ground raised by the learned counsel for the petitioner is that the impugned order, wherein Death Certificate was cancelled, came to be passed without putting the petitioner on notice.

5. Learned Government Pleader for Revenue, on instructions, submits across the Bar that no notice was issued to the petitioner and basing on the representation made by a Samithi, the Death Certificate was cancelled.

6. It is to be noted that any administrative matter which involves civil consequence must be made as per the Rules. Admittedly, in the present case, the impugned order passed by the 1st respondent

affected the rights of the petitioner, which amounts to violation of principles of natural justice.

7. In view of the above, the impugned proceedings dated 19.04.2016 cancelling the Death Certificate of the mother of the petitioner are hereby set aside. But, however, the respondents are at liberty to issue a fresh notice to the petitioner and after hearing the petitioner, shall pass appropriate orders thereon, in accordance with law.

8. Accordingly, the Writ Petition is allowed.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Date:02.11.2016
INL

JUSTICE C. PRAVEEN KUMAR

