

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2509 of 2016

- Girja Bai W/o Late Asharam Dewar, Aged About 69 Years R/o Ward No 12, Bhaisapara, Baloda Bazar Tah & Distirct Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Financ Economics And Statistics Directrate Of Economics And Statistics Mahanadi Bhawan Raipur Chhattisgarh
2. Tahsildar, Registrar Birth Marriage And Death, Baloda Bazar Tah & Distirct Baloda Bazar Bhatapara Chhattisgarh
3. Chief Municipal Officer, Baloda Bazar, Tahsil & Distirct Baloda Bazar Bhatapara Chhattisgarh
4. Sub Divisional Officer, Baloda Bazar, Tahsil & Distirct Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

For Petitioner	: Shri Ravindra Sharma, Advocate
For State	: Shri D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/05/2017

1. Heard.
2. Despite repeated opportunity reply has not been filed by the State, however, State counsel has placed the original record containing the proceedings of grant of certificate and cancellation.
3. Learned counsel for the petitioner submits that the certificate of the petitioner's husband, who died on 29/04/1992 was issued after following proper procedure as prescribed under the Registration of Birth and Death Act, 1969, as amended update. Application was submitted, statement of villagers were taken, her statement was recorded, objections were invited and then the certificate was issued. However, all of sudden registration certificate has been cancelled without affording any opportunity of hearing. The petitioner is widow and destitute woman and cancellation to certificate

has resulted in serious prejudice, therefore, the impugned order of cancellation of death certificate is bad in law.

4. Though, no reply is filed by the State referring to record available with him he submits that though the certificate was issued by Chief Municipal Officer, Municipal Council, Baloda Bazar, presumably on the ground of lack of jurisdiction, the authority reviewed the earlier order and cancelled the certificate. The record do not contain any reason why the certificate is cancelled, therefore, the action not only appears to be in violation of Principle of Natural Justice but also without any reason whatsoever, reflected from the record. Therefore, the impugned order is set-aside. The competent authority may initiate fresh proceeding after giving notice.

5. Petition is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
Judge