

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.604 OF 2016

Smt.Hansaben Maganbhai Patel. .. Petitioner
Vs
State of Maharashtra and Another. .. Respondents
—
None for the Petitioner.
Shri Manish Pabale, AGP for the Respondent No.1.
—

CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 16TH JANUARY 2017

PC.

1. None appears for the Petitioner. The case made out by the Petitioner in this Petition under Article 226 of the Constitution of India is that her father Shri Hiralal Dayal Patel is missing from the year 1998. Reliance is placed on the information furnished by the Police on 25th January 2014. The said information is in the form of a certificate issued by the Senior Inspector of Police of Gamdevi Police Station, Mumbai, recording that 1998 record is not available with the Police Station and, therefore, it is not clear whether missing person was traced.

2. The prayer in this Petition is for issuing a writ of mandamus directing the second Respondent- the Mumbai Municipal

Corporation to issue a death certificate as the said Shri Hiralal Dayal Patel has been missing for last more than seven years. The certificate of Police which is relied upon will not help the Petitioner. The Petitioner will have to obtain a declaration from the Competent Court. It is only after a proper declaration is granted by the Competent Court that the death certificate can be issued by the second Respondent Mumbai Municipal Corporation.

3. Subject to what is observed above, we decline to entertain this Petition under Article 226 of the Constitution of India. The Petition is, accordingly, disposed of.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)