



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.07.2017
CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.12190 of 2017

N.Swathi

.. Petitioner

Vs.

1.The Commissioner,
Office of the Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai District.

2.The Sanitary Inspector cum Births and Deaths Registrar,
Office of the Sanitary Inspector cum
Births and Deaths Registrar,
Madurai Corporation, Madurai District.

3.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

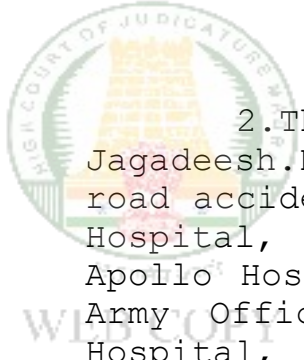
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to take necessary action to change the date of death as 12.04.2017 instead of 13.04.2017 and further to direct the respondents to mention the petitioner's husband/deceased name as Jagadeesh.D instead of Jagadeesh in the death certificate issued by the second respondent by considering her representation dated 28.06.2017.

For Petitioner : Mr.I.Sabeer Mohamed
For Respondents : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents 1 and 2 to take necessary action to change the date of death of the petitioner's husband as 12.04.2017 instead of 13.04.2017 and also mention his name as Jagadeesh.D instead of Jagadeesh in the death certificate issued by the second respondent based on the petitioner's representation dated 28.06.2017, within the time stipulated by this Court.



2.The case of the petitioner is that her husband namely Jagadeesh.D, who was working as Naik in Indian Army, met with a road accident on 11.04.2017. He was admitted in Government Rajaji Hospital, Madurai as inpatient and thereafter he was shifted to Apollo Hospital, Madurai for better treatment. On the advise of Army Officials, they attempted to shift her husband to Army Hospital, Bangalore and on the way to Bangalore, near Vadipatti, her husband died on 12.04.2017 at about 10.00 p.m. On the requisition of the third respondent, postmortem was conducted in Government Rajaji Hospital, Madurai, on 13.04.2017 at about 11.30 a.m. Thereafter, on 12.06.2017, the doctor opined that the deceased would appear to have died of multiple injuries 12 to 24 hours prior to autopsy. For the requisition sent by the petitioner for getting death benefits of her husband, the Army Officials have called for the exact date and time of death of her husband.

2.1.While so, the respondents 1 and 2 issued death certificate mentioning the date of death as 13.04.2017 instead of 12.04.2017 and they also failed to mention the initial of the deceased in the death certificate. Therefore, she sent a representation dated 23.06.2017, followed by a reminder dated 28.06.2017 to the respondents 1 and 2. Since, no action has been taken, the petitioner is before this Court.

3.The learned counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 28.06.2017 is disposed of by the respondents 1 and 2 as per law, for which, the learned Government Advocate appearing for the respondents, has no objection.

4.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit a copy of the representation dated 28.06.2017 along with all the documents, if any, and a copy of this order to the respondents 1 and 2 before 05.00 p.m. on 26.07.2017 and on receipt of the same, the respondents 1 and 2 are directed to consider the same and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of one week thereafter.

5.The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/



To

1.The Commissioner,
Office of the Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai District.

2.The Sanitary Inspector cum Births and Deaths Registrar,
Office of the Sanitary Inspector cum
Births and Deaths Registrar,
Madurai Corporation, Madurai District.

3.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

+1cc to M/S.I.Sabeer Mohamed, Advocate SR.No. 67500

+1cc to M/S.J.Gunaseelan Muthaiah, Advocate SR.No. 67486

ORDER MADE IN
W.P (MD) No.12190 of 2017

smn

JM/SKN RSK/SAR 3/25.07.2017/3P/6C