



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No. 13651 of 2017

WEB COPY

K.Senthilkumar

... Petitioner

-Vs-

1.The Tashildar,
Office of the Tashildar,
Sattur Taluk,
Virudhunagar District.

2.The Village Administrative Officer,
Birth and Death Registrar,
O.Mettupatti, Sattur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records connected to the order in  2/1758/2017 dated 29.06.2017 and quash the same as illegal, consequently, directing the respondents to change the name of the mother of the deceased A.Kandhavel, son of Athikari Thevar, as Kaliyammal instead of Mariyammal in the death Certificate dated 21.01.2016 within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader.

O R D E R

The Writ petition is filed to quash the order of the first respondent and direct the first respondent to change the name of the petitioner's grand mother name as Kaliyammal instead of Mariyammal in the death certificate dated 21.01.2016.

2.The petitioner would allege that on 01.01.2016, his father A.Kandhavel was murdered and a criminal case was registered in Crime No.1 of 2016 on the file of the Sattur Taluk Police Station. Thereafter, the second respondent had issued a death certificate of his father, mentioned his mother name as Mariyammal instead of Kaliyammal in the death certificate dated 21.01.2016.

3.Heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government



Pleader appearing for the respondents and perused the materials available on record.

4. The learned counsel for the petitioner would submit that the petitioner has produced Ration Card, Voter Identity Card, Aadhar Card and Passbook to show that the petitioner's grand-mother name is Kaliyammal. It is further submitted that the petitioner sent a representation to the first respondent to rectify the mistake, but it was rejected on the ground that there was no provision in the Rules. According to the learned counsel for the petitioner, mistake is committed by the respondents and they have to rectify the same.

5. The learned Additional Government Pleader for the respondents, on instruction, would submit that if the petitioner is produced materials before the first respondent, he is ready to consider and issue the death certificate in the correct name of the petitioner's grand-mother name as Kaliyammal instead of Mariyammal.

6. In the light of the above submission, the order passed by the first respondent is set aside and the case is remanded back with a direction to the first respondent to issue death certificate based on the materials produced by the petitioner and after affording opportunity of personal hearing to the necessary parties within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ petition is disposed of. No costs.

Sd/

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Tashildar, Office of the Tashildar,
Sattur Taluk, Virudhunagar District.

2. The Village Administrative Officer,
Birth and Death Registrar, O.Mettupatti, Sattur Taluk,
Virudhunagar District.

+One cc to The Special Government Pleader, SR.No.76883

+One cc to Mr.S.Malaikani, Advocate, SR.No.76285

msa

RL/5C/2P/JC/SAR1/26/9/2017

<https://hcservices.ecourts.gov.in/hcservices/>

W.P. (MD) No. 13651 of 2017

04.09.2017