

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26017 of 2017

ORDER:

1. Petitioner claims that his grandfather, Singireddy Venkaiah @ Venkat Reddy, died on 28.03.1983. He applied for issuance of death certificate on 09.06.2017. The said application is rejected by Revenue Divisional Officer, Keesara Division, Medchal-Malkajgiri District, vide order dated 20.07.2017, which is impugned in this writ petition, on the ground that the said application is made 15 years after the date of death and in accordance with Rule 10 of the Andhra Pradesh Registration of Births and Deaths Rules, 1999 (for short 'the Rules'), the power delegated to the Revenue Divisional Officer is only to issue the said certificate if application is made within 15 years from the date of death.

2. Learned counsel for petitioner submits that the said rejection is erroneous and without application of mind. According to learned counsel, relevant Rule that is applicable is Rule 9 of the Rules. Whereas Rule 10 of the Rules is applicable for issuance of birth certificate.

3. Learned Government Pleader on going through the Rules does not dispute the said contention of learned counsel for petitioner.

4. As seen from Rule 10 of the Rules, the same is applicable for issuance of certificate of birth and it fixed outer limit of 15 years for making such request. Rule 9 of the Rules deals with issuance of

birth or death certificate. According to Sub-Rule 3 thereof, if no application is made within one year of occurrence of death, it can be registered only on an order of Magistrate of First Class (Revenue Divisional Officer & above rank) or a Presidency Magistrate and on payment of late fee of Rs.10/-. Further, it vests the power in the Revenue Divisional Officer to grant certificate of death, of course, subject to his satisfaction, whereas the rejection is on the ground that the request is not made within 15 years, by referring to Rule 10 of the Rules, which has no application. In terms of Sub-Rule 3 of Rule 9 of the Rules, no time limit is prescribed.

5. Having regard to the mandate of Rule 9 of the Rules, the order impugned in the writ petition is liable to be set aside. Accordingly, it is set aside. The matter is remitted to respondent No.3 to consider the request of petitioner in accordance with Rule 9(3) of the Rules. Respondent No.3 shall take decision and communicate the same to petitioner, as expeditiously as possible, preferably, within six weeks from the date of receipt of copy of this order.

6. Writ petition is accordingly allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

P. NAVEEN RAO, J

4th AUGUST, 2017.

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