

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1857 of 2014

Mr.F.Mohsin Ahmed

.. Petitioner

..Vs..

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

2.The Health Officer,
Zone VI,
Corporation of Chennai,
Chennai-600 003.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to issue the Death Certificate of the petitioner's father, who died on 4.6.1983 on the basis of the petitioner's petition dated 13.11.2013.

For Petitioner : Mr.D.Muthukumarappa

For Respondent-1 : Mr.R.S.Selvam,
Government Advocate.

For Respondent-2 : Dismissed vide Court order
dated 17.8.2015.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to issue the Death Certificate of the writ petitioner's father, who died on 4.6.1983 on the basis of the writ petitioner's petition dated 13.11.2013.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the father of the writ petitioner passed away on 4.6.1983 and he was buried on 5.6.1983 at Assare Shareef Wakf Estate Burial Ground at Pallavaram Mosque Hill, Thirusoolam, Pallavaram, Chennai.

3. This Court is of an opinion that the writ petitioner is unable to clarify whether the death of his father was registered with the Corporation or not. This apart, the writ petitioner has to approach the competent officials for verification of the original death registration of his father and thereafter claim the death Certificate from the Competent Authorities. In the event of non-availability of the death particulars of the father of the writ petitioner, the writ petitioner has to approach the Competent Forum under the provisions of the Registration of Births and Deaths Act, 1969.

4. Thus, this Court cannot issue a direction to the respondents to issue a Death Certificate of the father of the writ petitioner without ascertaining the facts regarding the registration of his father's death with the Corporation. Such complex facts and circumstances can never be entertained in a writ proceeding under Article 226 of the Constitution of India. However, the writ petitioner is at liberty to approach the Competent Authorities, if the particulars of the death of his father is available in the Corporation Register. If it is not available, then the writ petitioner has to approach the Competent Forum under the provisions of the Registration of Births and Deaths Act, 1969 and in the manner known to law.

5. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Commissioner,
Corporation of Chennai, Ripon Buildings,Chennai-600 003.

2.The Health Officer,
Zone VI,Corporation of Chennai, Chennai-600 003.

+1cc to Mr.D.Muthukumarappa, Advocate SR.No.74919

+1cc to Government Pleader SR.No.75283

WP No.1857 of 2014

NRJK(CO)

GMV(19/11/2018)