



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8408 of 2018

A.Xavier

... Petitioner

vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

3. The Health Officer,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second and third respondents to correct the errors made in the death certificate dated 02.07.2015 insofar as name of the Petitioner's wife as "Amirthavalli" instead of "Arockiaselvi" as per section 15 r/w. Rule 11 of the Tamil Nadu Registration of Birth and Death Act and Rules, 2000 and consequently direct the 2nd and 3rd respondents to issue a fresh death certificate of said petitioner's wife.

For Petitioner	: Mr.S.Chellapandian
For Respondents	:Mr.S.Nagarajan
For R1	Special Government Pleader
For R2 and R3	:Mr.T.S.Mohammed Mohideen

O R D E R

Mr.S.Nagarajan, learned Special Government Pleader, takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>
By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3. It is the grievance of the petitioner that his representation dated 19.03.2018 seeking to correct the errors made in the death certificate dated 02.07.2015 insofar as name of the Petitioner's wife as "Amirthavalli" instead of "Arockiaselvi" as per section 15 r/w. Rule 11 of the Tamil Nadu Registration of Birth and Death Act and Rules, 2000, has not been considered by the second respondent till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 19.03.2018 and issue a fresh death certificate of said petitioner's wife as contemplated Section 15r/w. Rule 11 of the Tamil Nadu Registration of Birth and Death Act and Rules on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Dindigul District,
Dindigul.
2. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.



3. The Health Officer,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

+1cc to Mr.S.Chellapandian, Advocate, SR.No.62428

+1cc to Mr.T.S.Mohammed Mohideen, Advocate, SR.No.61953

W.P. (MD) No.8408 of 2018
18.04.2018

aav

KK/SV MMS/09.05.2018/SAR-1/3P-6C