



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

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CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.1406 of 2018

M.Moorthy

Petitioner

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Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai-Corporation,
(Death and Birth Registration Section)
Madurai.

3.The Executive Officer,
Paravai - Town Panchayat,
Madurai District.

...

Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondents herein to issue the death certificate to the petitioner's wife namely Kanimozhi, who died on 01.11.2017 in the 2nd respondent Corporation limit by considering petitioner's representations on 18.12.2017 and 28.12.2017 respectively within the stipulated time by this Court.

For Petitioner : Mr.D.Balamurugapandi

For R1 & R3 : Mr.M.Rajarajan
Government Advocate

For R2 : Mr.R.Prabhu Ramachandran



The Writ Petition has been filed seeking a direction to the respondents to issue the death certificate to the petitioner's wife namely Kanimozhi, who died on 01.11.2017.

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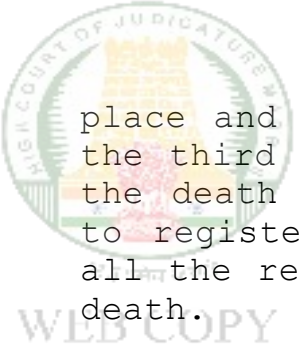
2. According to the petitioner, he is permanently residing at Paravai-II Beat, Samayanalloor(P.O), Madurai. The petitioner's wife viz., Kanimozhi suffered with Dengue Fever and hence, she was admitted in the Government Primary Health Centre at Samayanallur. Since his wife's health condition was getting worse, she was advised to take treatment in the Government Rajaji Hospital Madurai and he took his wife in the 108 Ambulance and on the way, his wife died near Maatuthavani bus stand. Subsequently, he took her body to his native place and cremated. Thereafter, he filed an application before the third respondent to register her death. However, the third respondent rejected his application on the ground that his wife died near Maatuthavani bus stand, Madurai and hence, the death should be registered only by the second respondent and not by the third respondent. In this regard, the petitioner sent representations dated 28.12.2017 and 01.12.2017 respectively to the respondents 2 and 3. Since no action has been taken, the petitioner has come before this Court.

3. The learned counsel for the petitioner would submit that even though the petitioner's wife died in the Ambulance on the way to Hospital, he took her body to his native place and cremated there and hence, the third respondent only has jurisdiction to register the petitioner's wife's death and not by the second respondent Corporation.

4. Per contra, the learned counsel appearing for the second respondent produced a circular stating that the birth and death should be registered in the place, where the birth and death took place. If the death took place in the Ambulance or any vehicle on the way, it should be registered in the next possible place, where the vehicles have stopped. In the instant case, since the death took place in Madurai, the death should be registered by the second respondent and not by the third respondent.

5. It is an admitted fact that the petitioner's wife died in the Ambulance on the way to Hospital near Maatuthavani Bus Stand. Even though the petitioner's wife died in the Ambulance near Maatuthavani Bus Stand, he took her body to his native place and cremated. Even as per the circular, the next place, where the vehicle was stopped, was at Paravai and hence, the third respondent alone has jurisdiction.

6. Also, considering the fact that the petitioner is the permanent resident of the third respondent Town Panchayat, and after his wife's death, her body has been cremated in his native



place and the petitioner has also filed the application in time, the third respondent alone is the competent authority to register the death and therefore, this Court directs the third respondent to register the death of the petitioner's wife, after verifying all the relevant certificates for the purpose of registering her death.

7.This writ petition is disposed of with the above directions.
No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
Madurai-Corporation,
(Death and Birth Registration Section)
Madurai.
- 3.The Executive Officer,
Paravai - Town Panchayat,
Madurai District.

+1cc to M/S.R.PRABU RAMACHANDRAN, Advocate SR.No.46950.
+1cc to M/S.D.BALAMURUGA PANDI, Advocate SR.No.46722.
+1cc to Special Government Pleader in SR.No.46855.

WP (MD) No.1406 of 2018
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MV/SV:MMS/SAR 1/22.02.2018/3P/7C