



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.1853 of 2018

H.Rebaideen

... Petitioner

-Vs-

1.The Commissioner,
Madurai Corporation,
Madurai Distrct.

2.The Tahsildar,
North Taluk,
Madurai District.

3.The Tahsildar,
East Taluk,
Madurai District.

... Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to issue Death Certificate of petitioner's mother Sidhi Hanima to the petitioner.

For Petitioner : Mr.R.Venkatesan

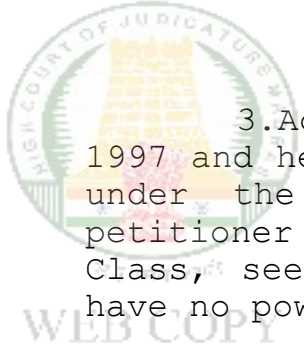
For R1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For R2 & R3 : Mr.Aayiram K.Selva Kumar,
Additional Government Pleader

ORDER

The Writ Petition has been filed seeking direction to the respondents to issue Death Certificate of the petitioner's mother Sidhi Hanima to the petitioner.

2.According to the petitioner, his mother had died on 28.06.1997 and her death was not registered. In the above circumstances, earlier, the petitioner made representations to the respondents seeking death certificate, which was not considered by the respondents. Hence, he filed a Writ Petition in W.P.(MD)No.2406 of 2017 and this Court, by an order dated 13.02.2017, directed the second respondent to consider the petitioner's representation and pass orders, but, so far, no order has been passed. Hence, the present Writ Petition has been filed.



3. According to the petitioner, his mother died in the year 1997 and her death was not registered. In the above circumstances, under the Registration of Births and Deaths Act, 1969, the petitioner can only approach the Judicial Magistrate of the First Class, seeking issuance of death certificate and the respondents have no power.

4. Now, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the Government also issued a G.O. conferring the power on the Revenue Divisional Officer / Executive Magistrate to consider all those applications.

5. In these circumstances, it is always open to the petitioner to approach the concerned authority seeking issuance of the death certificate.

6. With the above observation, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner,
Madurai Corporation,
Madurai District.

2. The Tahsildar,
North Taluk,
Madurai District.

3. The Tahsildar,
East Taluk,
Madurai District.

+One cc to Mr. R. Venkatesan, Advocate, SR.No.45130

+One cc to Mr. T. S. Mohamed Mohideen, advocate, SR.No.45315

+One cc to the Special Government Pleader, SR.No.45991

Myr

RL/7C/2P/KK/SAR1/14/2/2018

W.P (MD) No.1853 of 2018