



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No. 17108 of 2018

Sowbar Sulthan

... Petitioner

vs.

1. The Commissioner,
O/o.Municipality,
Paramakudi Taluk,
Ramanathapuram District.

2. The Registrar,
Birth and Death,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the 1st respondent to consider the petitioner's representation dated 17.04.2018 and further directed to change the petitioner's name as Sowbar Sulthan inspite of Sahubar Sulthan and her husband name as Mohamed Ansari inspite of Ansari K. in the death of her husband issued dated 20.07.2016 by the 2nd respondent based on the Government identity card of the petitioner as well as her husband and issue a fresh death certificate with the correct details within the time stipulated by this Court.

For Petitioner : Mr.S.A.S. Alaudeen
For Respondents : Mr.M. Kannan

O R D E R

Mr.M. Kannan, learned counsel, takes notice for the respondents-1 & 2.

2. 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 17.04.2018 seeking to change the petitioner's



name as Sowbar Sulthan in stead of Sahubar Sulthan and her husband name as Mohamed Ansari in stead of Ansari K. in petitioner's husband birth certificate has not been considered by the respondent-2 till date and therefore, he has filed the present writ petition.

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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 2nd respondent to consider the petitioner's representation dated 17.04.2018 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. Such an exercise shall be done after giving due opportunity to the petitioner as well as to any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

+ 1 CC TO Mr.S.A.S.ALAUDEEN, ADVOCATE IN SR No. 76473
+ 1 CC TO Mr.M.KANNAN, ADVOCATE IN SR No. 76322

KSA

TE/RP/SAR-1 : 03/09/2018 : 2P/3C

W.P.(MD) No. 17108 of 2018
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