

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**WRIT PETITION No.23850 of 2018**

**ORDER:**

Heard Mr.Naga Praveen for petitioner and the learned Assistant Government Pleader for respondents.

The Assistant Government Pleader places on record, the written instructions dated 11.07.2018 and has made submissions by referring to instructions.

The petitioner on 05.12.2017, applied for grant of family member certificate under G.O.Ms.No.145 Revenue Department, dated 25.04.2015. On 11.12.2017, the 4<sup>th</sup> respondent issued the family member certificate. The petitioner in her application, stated the date of demise of late Addagadda Somaiah as 20.05.1980.

The 4<sup>th</sup> respondent received representation dated 22.06.2018 from one A.Satyanarayana stating that the date of demise of late Somaiah is not correctly furnished in quick succession. The 4<sup>th</sup> respondent through proceedings in Rc.No.C/193/2018 dated 28.06.2018, cancelled the family member certificate dated 11.12.2017. The petitioner applied for death certificate of late Somaiah and the application was rejected by mee-seva centre. Hence, the writ petition.

Mr.Praveen contends that the petitioner applied for family member certificate and in the enquiry conducted by 4<sup>th</sup> respondent, the thrust is on the details of family members of the deceased. According to him, from the chronology of dates referred to above, it could be appreciated that the petitioner has no intention to take certificate of family members either for a living person or by including a person not connected to petitioner's family. According to him, the date of demise is verifiable. The date of demise can be treated as a bonafide error in the information furnished to 4<sup>th</sup> respondent. By continuing to maintain the details of family members and by correcting the date of demise, a certificate ought to have been issued with correct date of demise. Lastly, he contends that the petitioner, if were heard either on the allegations made by one Satyanarayana or the information now gathered by the 4<sup>th</sup> respondent is provided to petitioner, the decision of 4<sup>th</sup> respondent in canceling the family member certificate would satisfy the requirements of principles of natural justice.

For the above reasons, he prays for setting aside the endorsement impugned in the writ petition.

The Assistant Government Pleader, on the contrary contends that the 4<sup>th</sup> respondent accepted the details given by petitioner. The petitioner being the wife of late Somaiah is expected to know the date of demise of Somaiah. Now, the petitioner is admitting that there may not be incorrect disclosure on the date of demise of late Somaiah. Even if the opportunity is afforded to petitioner, there may not be a different conclusion in recalling the family member certificate dated 11.12.2017. He draws the attention of the Court to the details disclosed in the enquiry conducted by 4<sup>th</sup> respondent, namely, that the date of demise of Somaiah is 20.03.1981 but not 20.05.1980.

I have perused the record and taken note of the rival submissions. At the outset, it is to be stated that the petitioner after undertaking a few bona fide efforts in securing the certificate of late Somaiah and being unsuccessful, applied through mee-seva for family member certificate. It is not the case of either complainant Satyanarayana or the dependant that the family member certificate is obtained for a person who is still alive or more members are impleaded. The date of demise of Somaiah alone is in dispute.

The petitioner, when was unsuccessful in getting the death certificate of late Somaiah, has furnished details basing on her memory and her recollection. If an omission is brought to the notice of 4<sup>th</sup> respondent, the 4<sup>th</sup> respondent ought to have put the petitioner on notice and furnish the information gathered by him in the enquiry conducted on the representation of A.Satyanarayana and thereafter, would have passed orders as are necessary.

Hence, the endorsement dated 28.06.2018 is set aside. The 4<sup>th</sup> respondent is directed to afford opportunity to petitioner and to furnish the information gathered by him in the enquiry and passes orders for issuing family member certificate with correct details. The petitioner is given liberty to represent to 4<sup>th</sup> respondent for suitable orders in this behalf.

Writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

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**S. V. BHATT, J**

Date: 13.07.2018  
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