

THE HON'BL SRI JUSTICE P.KESHA RAO

WRIT PETITION No. 3363 of 2016

O R D E R:

Heard the learned counsel for the petitioner.

The prayer in the writ petition is as under:

“It is prayed that this Hon'ble Court may be pleased to issue order or orders more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents 2 and 3 herein as against the law and violation of Articles 14, 19 and 21 of the Constitution of India and direct the respondent No.2 to issue death certificate and an entry in the Births and Deaths registered record by considering the final report of the respondent no.3 and the decision of the Hon'ble Court of IV Metropolitan Magistrate, Nampally, Hyderabad basing on CBI missing certificate issued on 10.07.2012 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The facts of the case are that the father of the petitioners 1 to 3 and husband of the petitioner no.4 namely D.Somashekar Rao is missing from 18.7.1994. The petitioners have made all efforts to trace him. They submitted an application to the concerned police to investigate about the said missing person. Pursuant to the said application, the police have registered case in Crime No.300/1994. After investigation, the concerned police gave final report on 31.12.1994 stating that the missing person is not traced out. In the circumstances, the 4th respondent herein was appointed as L.D.C. on compassionate grounds in C.B.I. Department basing on the paper publication of their father's photo on 22.7.1994. Even after three years, whereabouts of D.Somashekar were not known.

Therefore, they requested the 2nd respondent-Corporation to make necessary entries of the said missing person in the relevant births and deaths register and issue death certificate. However, the same is not being furnished. In these circumstances, the petitioners have filed representation dated 6.1.2016 to the Commissioner, Greater Hyderabad Municipal Corporation for issuance of relevant certificate of death of D.Somashekar by making necessary entries in the births and deaths register. There is no response on the said representation. Questioning the said inaction of the 2nd respondent-Corporation, the present writ petition is filed.

Perusal of the material on record discloses that the concerned Sub Inspector of Police, P.S. Sultan Bazar filed a final report on 31.12.1994 stating that the missing man is untraced. If any clue is received in this regard, the matter will be reopened and continue the investigation.

Taking into consideration the submissions made by the learned counsel for the petitioners and the material available on record, this Court is of the opinion that considering the certificate issued by the concerned police, the Municipal Corporation can enter the name of the father of the petitioners 1 to 3 and issue certificate of death, if the representation is otherwise legal and valid.

Therefore, the 2nd respondent is hereby directed to consider the representation dated 6.1.2016 for issuance of relevant certificate of death of Sri D.Somashekar Rao by making necessary entry in the register and pass appropriate orders, if the representation is as per law.

With the above directions the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. No order as to costs.

JUSTICE P.KESHA RAO

Date:27/04/2018

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