

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 10.01.2019

CORAM
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.20243 of 2018

V.Banumathi

..Petitioner

Vs

1.The Revenue Divisional Officer,
Poonamallee Taluk,
Thiruvallur District.

2.The Tahsildar,
Poonamallee,
Thiruvallur District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ or Order in the nature of a Writ of Mandamus to direct the 1st respondent either to furnish non-availability certificate of registration of death of the late R.Vivekanandhan or to register the death of the deceased person and to direct the 2nd respondent to issue Death Certificate to entertain the petition under Section 13(3) of registration of Death and pass order based on the particulars and documents furnished by the petitioner within a short date and consequential direction to the 1st respondent herein to furnish the copy of Death Certificate to the petitioner herein.

For Petitioner : Mr.B.N.Chandrasekar

For Respondents: Mr.V.Shanmuga Sundar (for R1 & R2)
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the first respondent either to furnish non-availability certificate of registration of death of the late R.Vivekanandhan or to register the death of the deceased person and to direct the 2nd respondent to issue Death Certificate to entertain the petition under Section 13(3) of the Registration of Birth and Death Act, 1969 and pass order based on the particulars and documents furnished by the petitioner within a short date and consequential direction to the first respondent herein to furnish the copy of Death Certificate to the petitioner herein.

2. The case of the petitioner is that she applied for death certificate of her husband late Vivekanandan before the Tahsildar office, Gudiyatham on 24.11.2010. But the said authority had rejected the same and advised the petitioner to apply for the death certificate in the place of death of her husband. Thereafter, the petitioner submitted an application before the second respondent on 10.12.2011, which was forwarded to the first respondent. Despite several requests made, the first respondent had not considered the application of the petitioner, instead he asked the petitioner to submit fresh application. Thereafter, the petitioner submitted a fresh application on 29.05.2017, seeking issuance of the death certificate of her husband. But, no action has been taken by the first respondent till date. Hence, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

3. The learned counsel for the petitioner would submit that it would suffice if the application of the petitioner dated 29.05.2017, may be directed to be disposed of by the first respondent, as expeditiously as possible.

4. The learned Special Government Pleader appearing for the respondents would submit that the first respondent has no objection to consider the application of the petitioner dated 29.05.2017.

5. Considering the facts and circumstances of the case and having regard to the submissions made, without going into the merits of the case, this Court directs the first respondent to pass orders on the application of the petitioner dated 29.05.2017, on merits and in accordance with law, after issuing notice to the petitioner and also affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr

To

1.The Revenue Divisional Officer,
Poonamallee Taluk,
Thiruvallur District.

2.The Tahsildar,
Poonamalle,
Thiruvallur District.

+lcc to Mr.B.N.Chandrasekar, Advocate, S.R.No.2618

W.P.No.20243 of 2018

rrs 05/02/2019



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