



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2019

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THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.16872 of 2018

S.P.Natarajan

...Petitioner

Vs

1 The District Collector,
Tiruppur District, Tiruppur.

2 The Tahsildar
Uthukuli Taluk, Uthukuli,
Tiruppur District.

3 The Superintendent of Police
Tiruppur (Rural), Tiruppur District.

4 The Inspector of Police
Uthukuli, Tiruppur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the impugned order in Na.Ka.No.1857/2017/A3 dated 23.11.2017 passed by the 2nd respondent quash the same and consequently direct the respondents to register the death of the petitioners father Thiru Ponnusamy and issue death certificate as directed by this Court in the judgment and decree dated 02.02.2017 made in S.A.No.731 of 2007.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

1.This writ petition has been been filed by the petitioner, praying for issuance of a Writ of Certiorari, Calling for the records relating to the impugned order in Na.Ka.No.1857/2017/A3 dated 23.11.2017 passed by the 2nd respondent quash the same and consequently direct the respondents to register the death



of the petitioners father Thiru Ponnusamy and issue the Death Certificate as directed by this Court in the judgment and decree dated 02.02.2017 made in S.A.No.731 of 2007.

2.The petitioner is the beneficiary of the order in S.A.No.731/2007 in which the petitioner was the appellant. S.A.No.731 of 2007 arose out of the Judgement and Decree dated 24.11.2004 in A.S.No.49 of 2004 on the file of the Principal District Court, Erode which arose from the judgement and Decree dated 15.12.2003 in O.S.No.138 of 2001 on the file of the District Munsif-cum-Judicial Magistrate Court, Perundurai. By the judgment in the Second Appeal, it was decreed that the father of the petitioner, Ponnusamy, aged about 60 years, resident of Samiyarpalayam, Sengalipalayam village, Pallagoundam Palayam, Perundurai Taluk, Erode district, was declared to a dead person and the second respondent therein namely the Tahsildar, Perundurai Taluk, Erode was directed to issue a Death Extract of the said Ponnusamy. The only reason put forth in the counter affidavit was that subsequent to the bifurcation of Erode district into Tirupur District, Sengalipalayam Village fell under Uthukuli Taluk and hence the Tahsildhar in Uthukuli Taluk is to be directed appropriately for issuance of the Death Extract of the deceased Ponnusamy.

3.In view of the above averment made in the counter affidavit filed by the respondent, this Court directs the Tahsildhar, Uthukuli Taluk to comply with the direction issued in Second Appeal No. 731/2007 and issue the death extract for Ponnusamy, the resident of Samiyarpalayam, Sengalipalayam village, Pallagoundam Palayam, Perundurai Taluk, Erode district, within a period of 4 weeks from this date.

4.With the above direction, this writ petition stands allowed.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1 The District Collector,
Tiruppur District, Tiruppur.



2 The Tahsildar,
Uthukuli Taluk, Uthukuli,
Tiruppur District.

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3 The Superintendent of Police,
Tiruppur (Rural), Tiruppur District.

4 The Inspector of Police,
Uthukuli, Tiruppur District.

+1cc to the Government Pleader Sr.103094

+1cc to Mr.N.Manokaran, Advocate Sr.103015

WP.No.16872 of 2018

svI[co]
srg 09/01/2020