

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.28210 of 2019

Mrs.R.Sheela

... Petitioner

/versus/

1.Village Administrative Office,
panchayat Office,
Perundurai Railway Station Road,
Perundurai,
Erode District 638 052.

2.The Registrar of (Birth & Death),
Town Panchayat Office,
no.254/1, near weekly Market,
Erode Road, Perundurai,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to cancel the Death Certificate dated 18.03.2019 issued in the name of Maragatham as wife of deceased P.Rajasekar by the Registrar for Birth & Death Town Panchayat office, Perundurai Erode District and issue a fresh Death Certificate by changing the petitioner name R.Sheela as wife of the deceased P.Rajasekar.

For Petitioner :Ms.S.Karthika

For Respondents :Mr.N.Inbanathan, AGP for R1
Mr.T.M.Pappiah, Spl.GP.for R2

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Ms.S.Karthika, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice for the first respondent and Mr.T.M.Pappiah, learned Special Government Pleader, who takes notice for the second respondent.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents herein to cancel the Death Certificate dated 18.03.2019 issued in the name of Maragatham as wife of deceased P.Rajasekar by the Registrar for Birth & Death Town Panchayat Office, Perundurai Erode District and issue a fresh Death Certificate by substituting the petitioner name R.Sheela as wife of the deceased P.Rajasekar.

4.The petitioner claiming as wife of one Rajasekaran has filed this writ petition alleging that in the Death Certificate dated 18.03.2019 for Rajasekaran, wife name is wrongly mentioned as Maragatham instead of Sheela/the petitioner herein. Hence, she seeks indulgence of this Court to direct the respondents to cancel the Death Certificate issued on 18.03.2019 and change the name of the deceased spouse as Sheela instead of Maragatham.

5.The learned counsel appearing for the petitioner submits that on 04.06.2019 the petitioner gave a representation regarding the error in the Death Certificate and she had submitted documents in support of her submission, but the same not considered till date.

6. The learned Special Government Pleader appearing for the 2nd respondent states that based on the information furnished by one Maragatham, the 2nd respondent has registered the Death of Rajasekaran on 22.01.2019. In this writ petition, the petitioner has not impleaded the said Maragatham.

7. To this contention, the learned counsel appearing for the petitioner would submit that the petitioner is not aware of the fact, who is the said Maragatham and therefore, she is not in a position to implead her.

8. It appears that the marital status of the petitioner is in dispute and in such event, she has to be work out remedy only through the competent civil Court. At the same time, if the respondents are supposed to consider the representation and if

they of the view that enquiry is to be conducted in this matter, it is open for the respondents to conduct enquiry and pass appropriate orders.

9. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.Village Administrative Office,
panchayat Office,
Perundurai Railway Station Road,
Perundurai,
Erode District 638 052.

2.The Registrar of (Birth & Death),
Town Panchayat Office,
no.254/1, near weekly Market,
Erode Road, Perundurai,
Erode District.

+lcc to M/s.Kathika, Advocate Sr.82441
+lcc to the Government Pleader Sr.82300

W.P.No.28210 of 2019

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srg 05/11/2019

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