

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.26554 of 2019

A.M.Sundaram

.. Petitioner

/versus/

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

2.The City Health Officer(In Charge)
Greater Chennai Corporation,
Department of Public Health,
Chennai-3.

3.The Inspector of Police,
Adyar Police Station,
Adyar,
Chennai 600 020.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to record the death of Suresh Natarajan Bharadwaj on 21.06.2019 in the birth and death register of Corporation of Chennai and issue death certificate to the petitioner.

For Petitioner :Mr.A.Thiagarajan

For Respondents:Mrs.Karthika Ashok,st.c for R1
Mr.N.Inbanathan, AGP
for R2 and R3

O R D E R

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

2.Heard Mr.A.Thiagarajan, learned counsel appearing for the petitioner and Mrs.Karthika Ashok, learned standing counsel who takes notice on behalf of the first respondent and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice on behalf of respondents 2 and 3.

3.The prayer in the writ petition is to issue a Writ of Mandamus directing respondents 1 and 2 to record the death of Suresh Natarajan Bharadwaj on 21.06.2019 in the birth and death register of Corporation of Chennai and issue death certificate to the petitioner.

4. The case of the petitioner is that one Suresh Natarajan Bharadwaj was found missing from his residence on 21.06.2019. Later, it was found that he was murdered and thrown in Sea. First Information Report has been registered and the case is pending. Meanwhile, H.C.P.No.1382 of 2019 was filed by the petitioner herein wherein this Court, after perusing the status report filed by the Investigating Officer has recorded the death of Suresh Natarajan Bharadwaj and close H.C.P.No.1382 of 2019. Based on the order passed in the Heabus Corpus Petition, the petitioner wants that the death of Suresh Natarajan Bharadwaj to be recorded in the birth and death register of Corporation of Chennai. Hence, he has now filed Writ of Mandamus seeking direction to the first respondent/Commissioner of Corporation, Chennai to register the death of Suresh Natarajan Bharadwaj on 21.06.2019.

5. The learned standing counsel appearing for the first respondent-Corporation would submit that the investigation is pending and unless and until final report is filed, the death of Suresh Natarajan Bharadwaj and the date of his death cannot be ascertained. Only after completion of the investigation, the request of the petitioner can be entertained.

6. This Court finds force in the submission made by the first respondent-Corporation. Based on the First Information Report, the death cannot be registered, when the corpus delicti is not available and the prosecution yet to ascertain the date of death. This will be ascertained only after completion of investigation and on filing the final report.

7. Hence, this writ petition is disposed of with liberty to the petitioner herein to make request to the first respondent-Corporation after final report is filed by the third respondent. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

ari

To:

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

2.The City Health Officer(In Charge)
Greater Chennai Corporation,
Department of Public Health,
Chennai-3.

3.The Inspector of Police,
Adyar Police Station,
Adyar,
Chennai 600 020.

+1cc to Mr.A.Thiagarajan, Advocate SR.No.76689

+1cc to Mrs.Karthika Ashok, Advocate SR.No.77280

सत्यमेव जयते

W.P.No.26554 of 2019

MP (CO)
GMY (30/09/2019)

WEB COPY