



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2019

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CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.30366 of 2019

M.Selvi

... Petitioner

Versus

1. The Commissioner of Chennai Corporation,
Greater Chennai Corporation,
Department of Public Health,
Chennai - 600 003.

2. The Dean,
Rajiv Gandhi Government General Hospital,
Park Town,
Chennai - 600 003.

3. Birth and Death Inspector,
Department of Public Health,
Zone 05, Division 59,
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermenpet, Chennai - 600 021.

... Respondents

PRAYER:-Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 3rd respondents to conduct an enquiry and issue a death certificate of the petitioner's husband Murugan based on the representation of the petitioner dated 12.09.2019.

For Petitioner .. Mr.B.Sridhar

For R1 and R3 .. Mr.Karthika Ashok,
Standing Counsel

For R2 .. Mr.S.Suresh Kumar,
Government Advocate

O R D E R

This Writ Petition is filed, to direct the first and third respondents to conduct an enquiry and issue a death certificate of the petitioner's husband Murugan based on the



representation of the petitioner dated 12.09.2019.

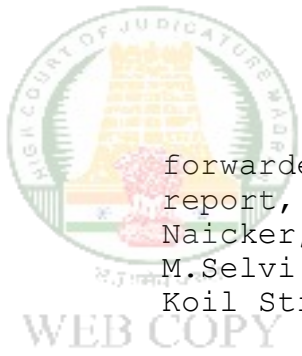
2. It is alleged in the affidavit that without proper enquiry the Corporation officials inconvenience with officials of Rajiv Gandhi Government General Hospital, Chennai had altered the Death Certificate of her husband Murugan and had made wrong entries in the death certificate of Murugan. Initially, information given by the Hospital Authorities to the Corporation officials on 25.09.2018 carrying the father and wife name correctly as Mangi Naicker and Selvi respectively. Later at the instance of a report from the Hospital, the Corporation officials have changed the name of wife as Lakshmi instead of Selvi and also changed the address.

3. The learned counsel appearing for the respondents states that it was done pursuant to the enquiry. It is surprise to note that in the death report dated 25.09.2018 which has been signed by P. Senthilkumar Birth and Death Registrar the father and wife name of the deceased Murugan along with his address is given, whereas, the computer Death Certificate issued by the Corporation on 05.10.2018 signed by Dr.Senthilnathan, City Health Officer is without the father's name and wife name. Later, the father name and wife name with change of address has been entertained by the Corporation and corrected death certificate was issued.

4. In the counter, the first respondent say that only after enquiry, the change has been done. The first entry made by the Corporation has sought to be amended by some person and the same has been entertained by the Hospital Authorities. They have forwarded an amendment order dated 8.1.2019 to the Health Officer Corporation of Chennai. The Health Officer Corporation of Chennai who received the amendment order has mechanically altered the Death Certificate contrary to the Death Report submitted by one Senthil Kumar. Consequently, the wife name and address of the deceased is changed.

5. The counsel for the first respondent states that the change in the death certificate was carried on based on the amendment order issued by the Senior Medical Record Officer of Rajiv Gandhi Government General Hospital, vide amendment order No.48/19, dated 08.01.2019. This Court finds that the amendment order has been issued without enquiry and notice to the petitioner.

6. It is projected by the respondents that initially there was no information regarding the name of the father and wife of the deceased persons. Later, on receipt of the amendment order from the Hospital, they have incorporated the name of the deceased father and deceased wife and also changed the address. This submission is contrary to the fact that the death report



forwarded to the City Health Officer on 29.05.2018. In his report, the father name of the deceased person shown as Mangi Naicker, and the name of the deceased person wife is shown as M.Selvi. His residence address is given as No.3/28, Dharmaraj Koil Street, Koovur, Chennai - 122.

7. While fact being so, on what basis, the Corporation while issuing the computer Death Certificate on 05.10.2018 omitted the name of father and name of wife is not explained. Unless it is done within ulterior motive to help person by name Lakshmi it could not happened. A thorough investigation is required in this regard to know the real culprit. If at all any rival claim regarding the status of wife, the matter has to be decided by a competent Court. The officials in the hospital and the Corporation Authorities cannot without proper enquiry or order of the Court can substitute the names originally forwarded for registration.

8. The change of wife name and change of the death person address without causing notice to Selvi, resident of No.3/28, Dharmaraja Koil Street, Kovoor, Chennai is rank violation of procedure committed by the Hospital Authorities as well as the Corporation Authorities. Hence, the change effected in the Birth Register of deceased Murugan which is contrary to the death report submitted by Senthil Kumar, Birth and Death Inspector, Chennai-5 on 25.09.2018 is bound to be quashed.

9. Hence, the Birth Certificate issued by the City Health Officer in respect of Murugan incorporating the name of Lakshmi as wife and changing the address as No.4/213, Iyyappan Kovil street, Periakolathuvanchery, Kolahuvancheri, Paraniputhur, Kancheepuram, Tamil Nadu 600 122 has to be deleted and correct Death Certificate should be issued after proper enquiry, by the first respondent after taking note of the reports submitted by P.Senthil Kumar, birth and death register on 25.09.2018. The first respondent shall also file a complaint before the C.C.B if material available to prove manipulation of records by the persons concern with regard to death certificate of Murugan.

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

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

nvi



To

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Department of Public Health,
Chennai - 600 003.

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Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermenpet, Chennai - 600 021.

+1cc to Mr.B.Sridhar, Advocate SR.No.98111

+1cc to Mr.Karthika Ashok, Advocate SR.No.98139

Writ Petition No.30366 of 2019

AD(CO)
GMY(05/12/2019)