

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.3614 OF 2020

S.P.Srinivasan

.. Petitioner

..Vs..

1. The District Collector
Erode, Erode District.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The Tahsildar,
Taluk Office,
Erode, Erode District.
4. The Revenue Inspector
Periyasomoor
Erode, Erode District.
5. The Village Administrative Officer,
Periyasomoor Village,
Erode, Erode District.
6. The Commissioner,
Erode Municipality,
Erode District.

.. Respondents

PRAYER :

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to register the death of petitioner's mother viz., Pavayammal and issue a Death Certificate to the Petitioner by considering the petitioner's representation dated 14.01.2020.

For Petitioner : Mr.M.Elango

For Respondents : Mrs.P.Rajalakshmi
Additional Government Pleader.

O R D E R

The petitioner has filed this petition seeking a Mandamus to direct the respondents to register the death of petitioner's mother viz., Pavayammal and issue a Death certificate to the Petitioner by considering the petitioner's representation dated 14.01.2020.

2. In the affidavit filed by the petitioner, it is mentioned that his mother Pavayammal, wife of Perumal Gounder died on 05.04.1996 at D.No.10A, Chinnasemur, Erode Taluk, Erode District. Due to ignorance, he did not register the death of his mother before the sixth respondent namely the Commissioner, Erode Municipality, Erode District. The Registrar of Birth and Death, Erode Municipality, on 09.10.2019, in his proceedings in Sa.Vi.No. H1/2154/2019, had written a letter to the petitioner stating that since the death was not registered within a period of one year from the date of occurrence, it can be registered only after getting a Certificate in Form No. 10, from the Municipality.

3. The petitioner had given an application before the sixth respondent on 13.01.2020. The sixth respondent gave a certificate stating that the death of mother was not registered. The sixth respondent also sought Police verification with regard to the death of the mother of the petitioner. The Inspector of Police, Erode West Police Station in proceedings in Na.Ka.No.H1/2154/2019 dated 07.11.2019, has given a report stating that the said Pavayammal died on 05.04.1996. Thereafter, the petitioner herein made a representation seeking issuance of death certificate.

4. Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice on behalf of the respondents.

5. Since the death of the petitioner's mother was not registered within a period of one year, the petitioner is requested to forward necessary application seeking condonation of delay, in this regard, to the Collector, Erode District. This application seeking condonation of delay shall be filed by the petitioner on or before 20.03.2020 and on receipt of such application, the Collector, Erode District may pass orders in accordance with due process on or before 27.03.2020. Thereafter, the second respondent namely the Revenue Divisional Officer, Erode District shall make further enquiry and if the records are proper, issue Death Certificate of Pavayammal on or before 15.04.2020.

6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Erode,
Erode District.
2. The Revenue Divisional Officer,
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Erode District.
3. The Tahsildar,
Taluk Office,
Erode,
Erode District.
4. The Revenue Inspector
Periyasomoor
Erode, Erode District.
5. The Village Administrative Officer,
Periyasomoor Village,
Erode, Erode District.
6. The Commissioner,
Erode Municipality,
Erode District.

+1cc to Mr.M.Elango, Advocate, S.R.No.13027
+1cc to the Government Pleader, S.R.No.13601

W.P.No.3614 of 2020

CP(CO)
CS/16/03/2020