

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.6288 of 2019

T.Baby

... Petitioner

..Vs..

1. The Zonal Welfare Officer,
Zone-V,
Greater Chennai Corporation,
Chennai - 600 021.
2. Kalaiselvi
3. The Dean/Superintendent,
Rajiv Gandhi Government General Hospital,
Chennai.
(R3 impleaded as per order dated 26.09.2019
in WMP NO.27111 of 2019 in WP No.6288 of 2019)

....Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to amend the Death Certificate of the petitioner's husband Late.S.Thirunavukarasu registered with the 1st respondent vide Registration No.2018/05/059/001503/0 by mentioning the petitioner name "T.Baby" as his wife and to incorporate his residential address as No.142/723, Trunk Road, Poonamallee, Chennai - 600056.

For Petitioner : Mr.R.Sridhar

For Respondents : Mr.Anantha Ragavan (for R1)
Standing Counsel
Mr.K.Balaji (for R2)
Mr.R.Govindasamy, (for R3)
Special Government Pleader

O R D E R

It is seen that the husband of the petitioner namely S.Thirunavukkarasu, died on 29.01.2018 at Rajiv Gandhi Government Hospital, Chennai. Originally, the Death Certificate was issued to him in S.No.D5063986401/2018. It is stated that the petitioner herein namely Baby was his wife. Subsequently, another death certificate was issued by the Corporation of Chennai in S.No.D5169384465/2019 wherein the name of the wife was given as T.Kalaiselvi. This gave necessity to file the present writ petition by T.Baby/ the petitioner herein claiming that the issuance of the 2nd death certificate by the respondent/ Corporation of Chennai is not proper.

2. The learned counsel who appears for the 1st respondent namely the Zonal Welfare Officer, Zone-V, Greater Chennai Corporation stated that the 2nd death Certificate had been issued based on the records given by the hospital. However, in the typed set of papers, in report with respect to the death certificate of Thirunavukkarasu, the name of the petitioner is found.

3. In view of the rival claims as to who is the actual wife of Thirunavukkarasu, the Corporation of Chennai has to get clarification from the competent authorities to decide the same. This Court, under Section 226 of the Constitution of India, cannot decide the same. The status of the petitioner can only be decided by the competent Civil Court.

4. Both the parties may be have the advantage of letting evidence and substantiating them with reasons. Consequently, both the death certificates namely D5063986401/2018 and D5169384465/2019 are quashed and set aside by this Court. The Corporation of Chennai may await the Judgment and Decree of the competent Civil Court and thereafter issue the Death Certificate mentioning the name of the wife either as T.Baby (petitioner herein) or as T.Kalaiselvi.

5. In view of the said order, the 1st respondent is to take necessary further action and remove the present death certificate of Thirunavukkarasu from the Website/Port and upload the fresh death certificate after issuing the same as per the orders of this Court.

With the above observations, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

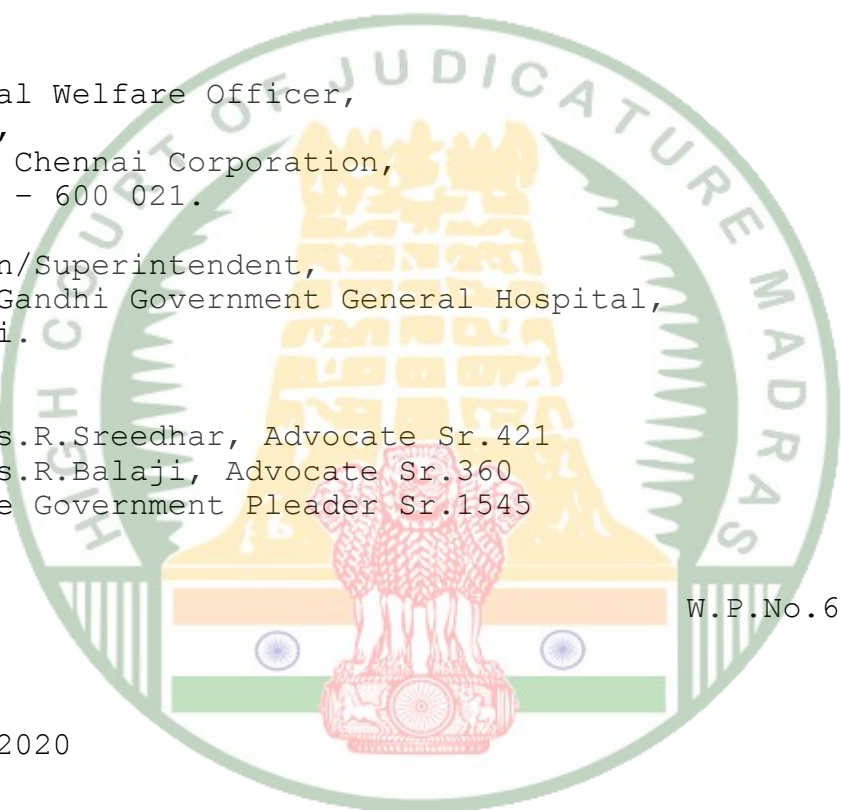
To

1. The Zonal Welfare Officer,
Zone-V,
Greater Chennai Corporation,
Chennai - 600 021.
2. The Dean/Superintendent,
Rajiv Gandhi Government General Hospital,
Chennai.

+1cc to M/s.R.Sreedhar, Advocate Sr.421
+1cc to M/s.R.Balaji, Advocate Sr.360
+1cc to the Government Pleader Sr.1545

W.P.No.6288 of 2019

cp[co]
srg 18/02/2020

The seal of the High Court of Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red elephant standing in front of it. The gopuram is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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