

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.28390 of 2019

Mrs.Priya

...Petitioner

..Vs..

- 1.The District Collector
Collectorate,
Dharmapuri Dist. Pin.636701
- 2.The Superintendent of Police,
Office of Superintendent of Police,
Dharmapuri Town and District
- 3.The Inspector of Police,
B-1, Town Police Station,
Dharmapuri Town and District,
Pin.636701
- 4.The Sub-Registrar, (Birth & Death)
Command Hospital Air Force,
Bangalore-07

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to issue an appropriate no objection Certificate to enable the petitioner to get a death certificate of her husband Late. Mr. Mathialagan from the fourth respondent within the stipulated time.

For Petitioner : Mr.P.Thiagarajan

For Respondents : Ms.P.Rajalakshmi
Additional Government Pleader

For R1 to R3

For R4 : Mr.G.Bhaskaran

corrected vide letter dated 31/7/2020 by Mr.G.Baskaran

O R D E R

This writ petition has been filed in the nature of a mandamus, seeking a direction to the 3rd respondent namely, The Inspector of Police, B-1, Town Police Station, Dharmapuri Town

and District to issue an appropriate No Objection Certificate to enable the petitioner to get a death certificate of her husband from the fourth respondent namely, The Sub-Registrar, (Birth and Death), Command Hospital Air Force, Bangalore.

2. The presence of 3rd respondent/The Inspector of Police, B1 Town Police Station and 4th respondent/The Sub-Registrar is recorded.

3. This is a very unfortunate writ petition. The petitioner, Mrs. Priya stated that her husband, an army man, had joined in the Brigade of the Guards Regimental Centre, Kemptee on 05.09.1983 and retired on 30.09.2000. The husband of the petitioner fell ill in the year 2017 and took treatment in a private hospital for one year for ailment of Liver Cirroohosis with Primary Hypertension and Anemia. The petitioner had been taking care of her husband. The husband was expired on 12.11.2018 at Command Hospital, Bangalore.

4. The fourth respondent/Sub-Registrar, who is the jurisdictional sub-Registrar was informed that the petitioner's husband was cremated in his birth place premises at Mukkal, Naickanpatti Village, Anna Sagaram Post, Dharmapuri district. The hospital authorities had issued provisional death certificate on 12.11.2018. For the purpose of death ceremonies, the Command Hospital intimated about the petitioner's husband death to the third respondent and handed over the body to them with request to forward the same to the claimants or legal heirs.

5. The petitioner has been made to run pillar to post seeking the death certificate from the fourth respondent. The fourth respondent had filed a counter wherein they stated that they had required four requisite certificates from the petitioner. Learned counsel for the 4th respondent stated that the post-mortem /FIR/Inquest Report (in case of MLC Only) Certificates are required.

6. In the present case the person died in the hospital. The hospital authorities have stated that the cause of death is unknown and has to be determined by Medico Legal Autopsy. However, they have stated that there liver cirroohosis with Primary Hypertension and Anemia was the reason for admission. If during the treatment by the fourth respondent a person died then, there no medico legal case arises out of such death. The fourth respondent has to issue a death certificate. If post-mortem was to be done, it should have been sought by the jurisdictional police officials. After simply handing over the body to the 3rd respondent the hospital hospital authorities

have washed their hands. This is condemnable.

7. Consequently, a Mandamus is issued to the 4th respondent to issue a death certificate with respect to the death of Mr.Mathialagan, who died in the hospital premises at Command Hospital, Bangalore, on 12.11.2018, without any further delay. It is very unfortunate that even after the death of her husband, the petitioner herein has been made to run around without getting the primary document relating to the death, namely, death certificate. It is hoped that the Sub-Registrar, (Birth and Death), Command Hospital Air Force, Bangalore-7 will issue a death certificate at the earliest to the petitioner.

8. This writ petition is allowed in the above terms. No costs.

-s/d-

Assistant Registrar(CCC)

s/d-

Assistant Registrar(CS-III)

31/07/2020

True Copy

Sub-Assistant Registrar

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To

- 1.The District Collector
Collectorate,
Dharmapuri Dist. Pin.636701

To be and hereby
Substituted the order
already despatched
on 9/6/20

- 2.The Superintendent of Police,
Office of Superintendent of Police,
Dharmapuri Town and District

- 3.The Inspector of Police,
B-1, Town Police Station,
Dharmapuri Town and District,
Pin.636701

- 4.The Sub-Registrar, (Birth & Death)
Command Hospital Air Force,
Bangalore-07

+1 cc to Mr.P.Thiagarajan Advocate sr15099
+1 cc to Mr.G.baskaran Advocate sr15105
+1 cc to the Government pleader sr16733

W.P.No.28390 of 2019

pvs(co)
aa14/05/2020
CB(31/07/2020)



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