



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.17796 of 2020

V.K.Alagudevan

.. Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3. The Tahsildar,
Thirupparankundram,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents more particularly the 2nd respondent to issue a death certificate for the petitioner's paternal uncle namely Kaathadikazhuvan @ Kaaththar Kazhuvan who died on 17.12.1970 to him by considering his representation dated 23.09.2019 and subsequent reminder dated 16.11.2020 forthwith.

For Petitioner : Mr.S.Palani Velayutham
For Respondents : Mr.C.Ramesh,
Special Government Pleader

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to issue a Death certificate for the petitioner's paternal uncle Kaathadikazhuvan @ Kaaththar Kazhuvan, who died on 17.12.1970, based on the petitioner's representation dated 23.09.2019 and subsequent reminder dated 16.11.2020.



2.Heard Mr.S.Palani Velayutham, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that his paternal uncle died on 17.12.1970. But his death was not registered. It is also his case that no death certificate was also applied. He has submitted an application on 23.09.2019 with the second respondent for issuance of death certificate for his paternal uncle Mr.Kaathadikazhuvan @ Kaaththar Kazhuvan. It is also the case of the petitioner that enquiry proceedings were commenced by the second respondent and the Revenue Inspector, Village Administrative Officer and Village Assistant were directed to conduct enquiry and submit a report. It is also the case of the petitioner that recommendations have also been issued by the aforementioned authorities to the second respondent for issuance of death certificate for Mr.Kaathadikazhuvan @ Kaaththar Kazhuvan, who died on 17.12.1970. It is the case of the petitioner that till date no final order has been passed by the second respondent. In such circumstances, this writ petition has been filed.

5.This Court cannot issue a positive direction for the issuance of death certificate for Mr.Kaathadikazhuvan @ Kaaththar Kazhuvan, who died on 17.12.1970. It is for the respondents to consider the petitioner's application, seeking for issuance of death certificate for Mr. Kaathadikazhuvan @ Kaaththar Kazhuvan, on merits and in accordance with law. No prejudice will be caused to the respondents, if the petitioner's application seeking for issuance of death certificate for Mr. Kaathadikazhuvan @ Kaaththar Kazhuvan is considered by them on merits and in accordance with law. The petitioner has also contended in this writ petition that recommendations have already been issued by the Village Administrative Officer, the jurisdictional Revenue Inspector and Village Assistant (Thalaiyari), for the issuance of death certificate for Mr. Kaathadikazhuvan @ Kaaththar Kazhuvan.

6.After giving due consideration to the above mentioned factors, this Court directs the second respondent to consider the petitioner's application dated 23.09.2019, seeking for issuance of death certificate for Mr.Kaathadikazhuvan @ Kaaththar Kazhuvan, who died on 17.12.1970 and pass final orders on merits and in accordance with law, after hearing the necessary parties including the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Thirumangalam,
Madurai District.
3. The Tahsildar,
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+1 CC to the SPL GP (SR-24654[F] dated 09/12/2020)

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TP(CO)

CS(18.12.2020) 3P 5C