



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.18738 of 2020

(Through Video Conference)

Sundaram

... Petitioner

Vs.

1) The Tahsildar,
Watrap Taluk,
Virudhunagar District.

2) The Revenue Inspector,
Nathampatti Village,
Watrap Taluk,
Virudhunagar District.

3) The Village Administrative Officer,
Nathampatti Village,
Watrap Taluk,
Virudhunagar District.

4) The Panchayat President,
Nathampatti Village,
Watrap Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent vide his proceeding in O.Mu./A2/2640/2020 dated 31.10.2020 quash the same and further directing the 1st respondent to carry out correction in the death certificate of the petitioner's mother Thamayanathi dated 07.09.2020 by replacing the names of her father and mother as Malaichamithevar and Nagammal respectively instead of Ponnuthevar and Nagammal.

For Petitioner	: Mr.A.Jayaramachandran
For RR 1 to 3	: Mr.C.Ramar, Additional Government Pleader
For R4	: Mr.S.Dayalan, Government Advocate

O R D E R

This writ petition has been filed challenging the order dated 31.10.2020 passed by the first respondent rejecting the petitioner's request for correction in the death certificate of Thamayanathi , who died on 19.01.2018.



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

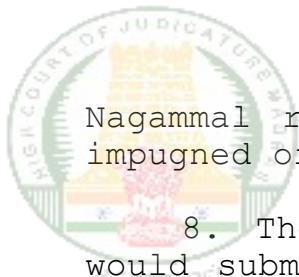
3. It is the case of the petitioner that Thamayanthi's daughter-in-law Maheswari, who is also a widow, has wrongly mentioned the name of the father and mother of Thamayanthi (deceased) as Ponnuthevar and Palaniammal respectively instead of Malaichamithevar and Nagammal before the respondents. According to the petitioner, based on the statement given by Maheswari, the death certificate was issued for Thamayanthi on 07.09.2020 wrongly mentioning the name of Thamayanthi's father and mother as Ponnuthevar and Palaniammal instead of Malaichamithevar and Nagammal.

4. According to the petitioner, she has submitted a representation on 05.10.2020 along with the necessary fee and relevant documents such as her sister's marriage invitation, her grandfather Malaichamithevar's legal heirship certificate, her mother's death certificate, Aadhar card... etc to the first respondent seeking for correction of the death certificate of Thamayanthi issued on 07.09.2020.

5. According to the petitioner, based on her representation dated 05.10.2020, the respondents 2 & 3 also conducted an enquiry. It is also the case of the petitioner that the President of Nathampatti Village Panchayat also has issued a certificate dated 14.10.2020 confirming that Malaichamithevar and Nagammal are the father and mother respectively of the deceased Thamayanthi and not Ponnuthevar and Palaniammal. It is also the case of the petitioner that the third respondent has also submitted a report along with the statements given by the petitioner and has also recommended to the second respondent to carry out the corrections in the death certificate of Thamayanthi as sought for by the petitioner. However, without considering those aforementioned documents and recommendations given by the third respondent, according to the petitioner, by total non-application of mind the impugned order dated 31.10.2020 has been passed rejecting the petitioner's request for correction in the death certificate of Thamayanthi. In such circumstances, this writ petition has been filed.

6. Heard Mr.A.Jayaramachandran, learned counsel for the petitioner and Mr.C.Ramar, learned Additional Government Pleader for the respondents 1 to 3 and Mr.S.Dayalan, learned Government Advocate for the fourth respondent.

7. This Court has perused and examined the impugned order. The documents referred to in this writ petition by the writ petitioner includes the recommendations given by the third respondent to the second respondent as well as the certificate issued by the President of Nathampatti Village Panchayat, confirming that the correct names of father and mother of Thamayanthi are Malaichamithevar and



Nagammal respectively and that has not been considered under the impugned order.

8. The learned counsel for the petitioner, on instructions, would submit that the petitioner is prepared to appear once again before the second respondent and satisfy the second respondent, with regard to the request made by her seeking correction of the Death Certificate issued for Thamayanthi on 07.09.2020.

9. This Court is of the considered view that no prejudice would be caused to the respondents or any other legal heirs of the deceased Thamayanthi and therefore, the matter is remanded back to the second respondent for fresh consideration after hearing all the necessary parties, including the petitioner.

10. For the foregoing reasons, the impugned order dated 31.10.2020 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the petitioner is permitted to produce all documents before the first respondent with regard to her request for correction of the death certificate under her representation dated 05.10.2020 and the first respondent shall pass final orders on merits and in accordance with law after affording sufficient opportunity to the petitioner as well as other legal heirs, if any, for the deceased Thamayanthi including Maheswari, daughter-in-law of the deceased Thamayanthi within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the aforesaid directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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 Tahsildar,
Watrap Taluk, Virudhunagar District.
- 2) The Revenue Inspector,
Nathampatti Village,
Watrap Taluk, Virudhunagar District.
- 3) The Village Administrative Officer,
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+1CC to M/s.SP1 GP,SR.No.26712 dated 21/12/2020

W.P. (MD) No.18738 of 2020
18/12/2020

CK (CO)
KB (08.01.2021) 4P 5C