

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No.21480 of 2021

R. Parameswari

.. Petitioner

Versus

1. The District Collector,
District Collector Office Complex,
Salem District.
2. The Additional District Collector
(Development)
District Rural Development Agency,
Salem 636 001.
3. The District Revenue Officer,
District Collector Office Complex,
Salem District.
4. The Assistant Director, (Panchayath)
Room No.201 2nd Floor,
District Collector Office,
Salem District 636 001.
5. The Executive Officer,
Omalur Selection Grade Town Panchayath,
Omalur Taluk, Salem District.
6. The Registrar (Birth and Deat),
Omalur Town Panchayath,
Omalur Taluk, Salem District.

7. Sakthivel

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to delete the name of Mrs.Bakkiyam in the column of wife name of the death certificate dated 14.06.2021 of the deceased Mr.Rajendran, consequently include the correct name of Mrs.R.Parameswari in the column of wife name of the death certificate dated 14.06.2021 issued by the 6th respondent on passing the orders on the enquiry proceedings issued in Na.Ka.No.154/2021/A2, dated 30.06.2021 conducted by the 5th respondent herein, within the time frame fixed by this Court.

For Petitioner : Mr. S. Srinivasan
For Respondents : Mr. Stalin Abhimanyu,
Govt. Counsel (R1 – R6)

ORDER

Mr.Stalin Abhimanyu, learned Government Counsel, takes notice for the respondents 1 to 6. By consent of both the parties, this writ petition is taken up for final disposal, at the time of admission itself.

2.According to the petitioner, she married one J.Rajendran 40 years ago and they were blessed with three daughters viz., Mageshwari, Shanthi and Uma Devi. Her husband was doing Palmyra fruits selling business in Omalur, where he got acquainted with a woman by name Bakkiam, who is already married and is having two sons through her husband. While so, on 28.05.2021, the petitioner's husband died in a suspicious manner and the petitioner approached the sixth respondent with a request to issue a death certificate of her husband. However, she was informed that the seventh respondent, who is

one of the sons of the said Bakkiam, has obtained the death certificate of the deceased Rajendran dated 14.06.2021, wherein the wife of the deceased was mentioned as 'Bakkiam'. Stating that she is the legally wedded wife of the deceased Raja @ Rajendran; herself and her three daughters are the only legal heirs; the seventh respondent has illegally obtained the death certificate mentioning his mother's name 'Bakkiam' as the wife of the deceased, in order to grab the properties standing in the name of the petitioner's deceased husband; and without conducting enquiry, the sixth respondent issued the said death certificate, the petitioner made a representation to the first respondent on 17.06.2021, after marking copies to the other respondents, requesting to cancel the said death certificate dated 14.06.2021 issued by the sixth respondent and issue death certificate afresh by adding her name as wife of the deceased. Based on the said representation, notice in Na.Ka.No.154/2021/A2 dated 30.06.2021 came to be issued by the fifth respondent, calling upon the parties to appear for enquiry on 09.07.2021 and give explanation with supportive documents. Accordingly, both the parties appeared and submitted their explanation. However, no further action was taken by the respondents 5 and 6. The second respondent also, by proceedings in Na.Ka.No.3922/2021/A12, dated 16.08.2021 directed the fourth respondent to take appropriate action. Even thereafter, no action was taken, till date, with regard to the claim of the

petitioner. Therefore, the petitioner has come up with this writ petition seeking appropriate direction to the respondent authorities, in this regard.

3.Heard Mr.S.Srinivasan, learned counsel for the petitioner and Mr.Stalin Abhimanyu, learned Government counsel, taking notice for the respondents 1 to 6 and also perused the documents enclosed in the typed set of papers.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the respondent authorities to complete the enquiry and pass appropriate orders, with regard to the claim of the petitioner, on merits and in accordance with law, after affording due opportunity of hearing to all the parties, within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.

05.10.2021

Index : Yes/No
msr

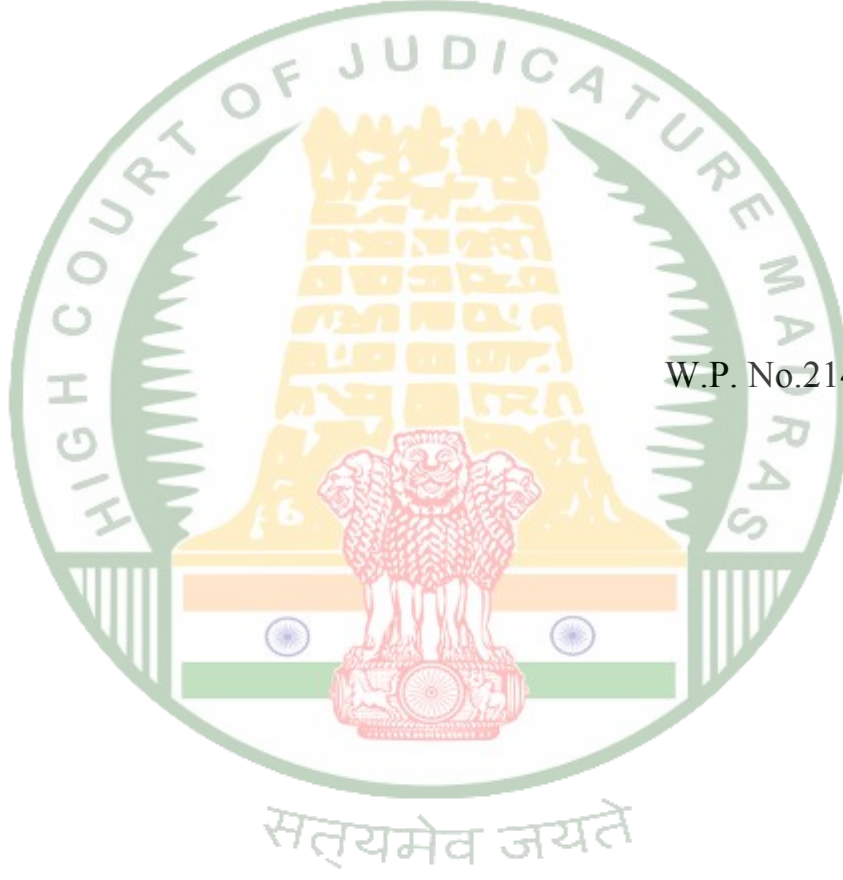
To

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R.MAHADEVAN, J.

msr/rk



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