



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23855 of 2021

R.David Raj

... Petitioner

Vs.

1.The State rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

3.The City Health Officer,
Public Health Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

4.The Regional Deputy Commissioner (Central),
Greater Chennai Corporation,
No.36B, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 119.

5.The Additional City Health Officer (Central),
Greater Chennai Corporation,
No.36B, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 119.

6.The Zonal Health Officer,
Zone - 8 (Public Health Department),
Greater Chennai Corporation,
No.36B, Pulla Avenue,
Shenoy Nagar,
Chennai - 600 119.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to Lr. No.Ma.Na.A.8.Na.Ka.No./1751/2021 dated 05.10.2021 on the file of the 6th respondent and quash the same and direct the respondents to make appropriate correction in the entry of death the petitioner's father made in the register of Deaths, under the column "name of the father of the deceased" as "Ramanujam alias Ramasamy Naicker" and thereby issue fresh Death Certificate of the petitioner's father, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Abubacker Sidhic

For Respondents : Mr.M.R.Gokulakrishnan
Government Advocate

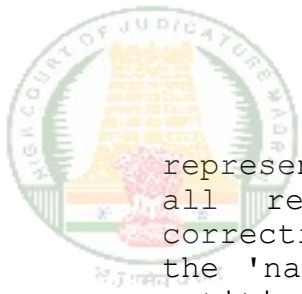
ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to Lr.

No.Ma.Na.A.8.Na.Ka.No./1751/2021 dated 05.10.2021 on the file of the sixth respondent and to quash the same and to direct the respondents to make appropriate correction in the entry of death the petitioner's father made in the register of Deaths, under the column "name of the father of the deceased" as "Ramanujam alias Ramasamy Naicker" and thereby issue fresh Death Certificate of the petitioner's father, within the time stipulated by this Court.

2.The case of the petitioner is that the petitioner's father died on 06.10.2010. The petitioner and his two sisters collectively developed 'Radhakrishnan Layout' in memory of their father in the lands owned by his father which was approved by Chennai Metropolitan Development Authority. When a prospective buyer of one of the plots in the layout approached the Bank for housing loan, a query was raised with regard to the difference in the name of the petitioner's grandfather which is given as 'Ramanujam' in the death certificate of petitioner's father and as 'Ramasamy Naicker' in the Title Deed of the lands purchased by the petitioner's father.

3.According to the petitioner, his father had mistakenly used both the names of his father namely, Ramasamy Naicker and Ramanujam while purchasing properties in his name and neither the petitioner nor his sisters are aware of the legal consequence that may arise with regard to such an incomplete mentioning of their grandfather's name as just Ramanujam instead of being 'Ramanujam alias Ramasamy Naicker' in the death certificate of their father. In the regard, the petitioner made



representation to the sixth respondent on 03.09.2021 along with all required documents, however, his request for making correction in the death certificate of his father with regard to the 'name of father of the deceased' was declined. Hence, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that there are two documents namely, sale deed dated 20.08.1981 showing the petitioner's grandfather's name as Ramasamy Naicker and sale deed dated 21.09.2005 showing the petitioner's grandfather's name as Ramanujam, hence inorder to get clarity the petitioner made representation, however, the sixth respondent, without perusing the documents furnished by the petitioner, vide impugned order, simply rejected his request, which is not sustainable. Accordingly, he prayed for appropriate orders.

5.The learned Government Advocate appearing for the respondents would submit that if there is any dispute with regard to the name dispute, the sixth respondent has the power to issue corrected death certificate, however, in the present case, the two documents furnished by the petitioner shows two different names. Hence, the petitioner has to approach the competent civil Forum for appropriate declaration and instead of approaching the civil Forum has filed this writ petition, which is un-sustainable one.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. By consent, the writ petition is taken up for final disposal.

7.The petitioner claims that his grandfather's name is 'Ramanujam alias Ramasamy Naicker'. Admittedly, the petitioner has produced two documents namely, sale deed dated 20.08.1981 which shows the petitioner's grandfather's name as Ramasamy Naicker and sale deed dated 21.09.2005 which shows the petitioner's grandfather's name as Ramanujam. Hence, this Court is not inclined to issue any direction to the sixth respondent.

8.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to approach the competent civil Forum for appropriate remedy. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar



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+1cc to Mr.S.Abubacker, Advocate, S.R.No.57527
+1cc to the Government Pleader, S.R.No.57717

W.P.No.23855 of 2021

NK(CO)
SB(02/12/2021)