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W.P.No.27380 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

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S.Deepa Margaret

.....Petitioner

VS.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Municipal Administration and water Supplies Department,
Secretariat, Chennai-9.

2. The District Collector,
District Collectorate,
Salem Main Road,
Dharmapuri,
Dharmapuri District.

3. The Commissioner,
Dharmapuri Municipality,
Kandasamy Vathiyar Street,
Municipal Office,
Dharmapuri,
Dharmapuri District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India,
to issue an order or direction or Writ and in particular Writ in the nature of a



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Writ of Mandamus, directing the 3rd respondent herein to register the death of the petitioners husband P.Prabakaran dated 06.05.2008 and issue a death certificate to that effect to the petitioner considering the petitioner's representations dated 07.06.2010 and 18.11.2020.

For Petitioner	: Mr.J.Ashok
For Respondents	: Mr. B.Anand, R3 Standing Counsel Mr.P.Gurunathan RR1 & 2 Addl. Government Pleader

ORDER

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the 3rd respondent herein to register the death of the petitioners husband P.Prabakaran dated 06.05.2008 and issue a death certificate to that effect to the petitioner considering the petitioner's representations dated 07.06.2010 and 18.11.2020.

2. The case of the petitioner is that the petitioner's husband died in an accident on 06.05.2008. The petitioner made an application on 03.07.2008 to the Bargur Selection Grade Town Panchayat, for issuance of



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death certificate. In reply, dated 04.07.2008, the Bargur Local authority had informed the petitioner that the Government Hospital at Dharmapuri had intimated the 3rd respondent for the death of the petitioner's husband. Therefore, they directed the petitioner to 3rd respondent to obtain the death certificate. In turn, the third respondent declined the request made by the petitioner and get a report from the inquest officer. The petitioner made a representations dated 07.06.2010 and 18.11.2020 for registration of her husband death and issuance of the death certificate. However, there is no response from the respondents. Hence, the present Writ Petition has been filed seeking for the above said relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the third Respondent to consider the petitioner's representations dated 07.06.2010 & 18.11.2020 within the time frame as fixed by this Court.

4. The learned Standing counsel appearing for the respondents submitted that the Bargur Municipality have not informed the death of the



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petitioner's husband and therefore, without information, the third respondent could not registered the same. The petitioner has to approach the competent civil court to work out her remedy. On the contrary, without challenging the order of the 3rd respondent dated 20.05.2010, after a decade, the petitioner made another representation for the same relief, which is not sustainable.

5. Heard the learned counsel for the petitioner as well as the learned standing counsel for the first respondent, the learned Additional Government Pleader appearing for the respondents 2 & 3 and perused the materials available on record.

6. Admittedly, the third respondent, vide its proceedings dated 20.05.2010, rightly rejected the claim of the petitioner by explaining the reason for not registering the death of the petitioner's husband. On perusal of the same, this Court feels that without challenging the said proceedings dated 20.05.2010, the petitioner filed the present writ petition before this Court seeking direction to the respondents for considering her representation, which is not maintainable.



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7. Accordingly, this Writ petition is dismissed. However, liberty is granted to the petitioner to file a fresh writ petition by challenging the proceedings of the third respondent dated 20.05.2010 before this Court. No costs.

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Index : Yes / No

Internet : Yes / No

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To

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