



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.3368 of 2021

P.Tamilarasi ... Petitioner

Vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The Registrar (Birth and Death),
O/o the Birth and Death Registration Unit,
Manalmelkudi Village Panchayat,
Manalmelkudi,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to issue Death Certificate by including the name of the petitioner as his second wife in the strength of marriage certificate dated 15.04.2013 by considering the petitioner's representation dated 31.12.2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.Venkatesh Kumar
for M/s.Ajmal Associates
for Mr.M.Siva Shankar

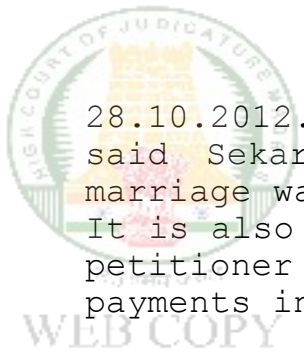
For R-1and R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

Heard Mr.Venkatesh Kumar, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who appears for the respondents.

2. The present petition has been filed seeking a direction to include the name of the petitioner in the Death Certificate of her late husband, Sekar, who died on 08.10.2020.

3. The petitioner's husband namely, Sekar, was working as a Telecom Technician at BSNL. He had retired by taking voluntary retirement on 10.10.2019. It must be stated that he had originally married one Senthilmathi and they had two children. She died on



28.10.2012. After the death of Senthilmathi, it is claimed that the said Sekar married the present petitioner on 15.04.2013. The marriage was also registered in the Sub Registrar office at Madurai. It is also claimed that after the said marriage, Sekar nominated the petitioner as a nominee to receive the family benefit and pension payments in his Service Register.

4. In this connection, Section 15 of the Registration of Births and Deaths Act, 1969 is extracted to the advantage of the petitioner herein:

"15. Correction or cancellation of entry in the register of births and deaths.

If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation."

5. It is a fact that the petitioner's marriage, has been recognized by the authorities particularly because it has been registered before a competent authority / the Sub Registrar and also has been recognized by Sekar when he was living, since he has included the name of the petitioner in his Service Register to receive the pension payments and other family benefits in the event of his death. The Death Certificate had been issued showing the name of his first wife as the name of his wife. By the present Writ Petition, the petitioner seeks a Mandamus to include her name as the second wife.

6. Let the authorities particularly the second respondent take necessary steps to re-examine the Death Certificate already issued in Registration No.D-2020:33-419-000057 on 12.10.2020 of the deceased Sekar, and also include the name of the present petitioner. The second respondent may take a decision to delete the name of Senthilmathi and include the name of the petitioner or if the rules demand, include both the names, but, give the date of death of Senthilmathi / 28.10.2012 and give the marriage date of the petitioner / 15.04.2013. The entire exercise should be completed within a period of six (6) weeks from the date of receipt of a copy of this order.



7. Accordingly, a Mandamus in this regard is issued and this Writ Petition is allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD I)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,
Pudukottai,
Pudukottai District.

2.The Registrar (Birth and Death),
O/o the Birth and Death Registration Unit,
Manalmelkudi Village Panchayat,
Manalmelkudi,
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+1 CC to M/s.M.SIVA SANKAR, Advocate (SR-36316[F] dated 29/11/2021)

**W.P (MD) No.3368 of 2021
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MGJ(08.12.2021) 3P 4C