



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

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W.P. (MD) No.5382 of 2019
and
W.M.P. (MD) No.13333 of 2019

Vijayarani

.. Petitioner

Vs

- 1.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.
- 2.The Registrar (Birth & Death),
Rajapalayam Division IX,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

3.Gnanathai

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to make correction in the Death Certificate of Petitioner's husband in certificate No.D-2018:33-15928-000017 dated 27/02/2018, in the column of name of wife of deceased person as Vijayarani instead of Gnanathai on the basis of the representations dated 22/03/2018 and 17/08/2018.

For Petitioner : Mr.T.Vadivelan
For R1 & R2 : Mr.N.Dilip Kumar
For R3 : Mr.C.Sankar Prakash

ORDER

The case of the petitioner is that her marriage with one, Thangakumar, took place on 30.08.1981, as per Indian Christian Marriage Act and the same was registered before the Marriage Registrar, Tuticorin. From the wedlock, the petitioner has a son, namely, Agassy Shyam and her son is now residing in Chennai. According to the petitioner, her husband was lastly employed as Branch Manager, State Bank of India, Sivakasi Town Branch,



Virudhunagar District and retired from service on 31.03.2015.

2. On 20.02.2018, the petitioner's husband died. The petitioner and her son are the nominees and legal heirs of the deceased Thangakumar, as per the office records, for the purpose of sanctioning family pension and other service benefits. The petitioner, being the legally wedded wife of the deceased Thangakumar, has been recognized by the bank itself and she has been receiving the family pension, after her husband's death on 20.02.2018.

3. According to the petitioner, her husband had an illicit relationship with one Gnanathai and a case was also registered against her at the instance of the petitioner. The said Gnanathai, by using the illicit intimacy with the petitioner's husband, managed to incorporate her name in the column of wife of the deceased Thangakumar in the death certificate issued by the official concerned in certificate No.D-2018:33-15928-000017, dated 27.02.2018. The said fact came to the knowledge of the petitioner, when she had applied for the death certificate, as the certificate, which was issued to her, contains the name of the said Gnanathai.

4. On enquiry, the petitioner was informed that only if she produces proper documents in respect of her claim that she alone was the legally wedded wife of the deceased Thangakumar, her case would be considered for correction. The petitioner has given a representation on 28.03.2018 to the respondents 1 and 2 with all the supportive materials, but, none of her representations evoked any response from the respondents 1 and 2 and therefore, she is before this Court.

5. Mr. N. Dilipkumar, learned counsel appearing for the respondents 1 and 2 would submit that at the time, when the death certificate was issued by the authority concerned, the said Gnanathai approached the official concerned claiming that she was the legal wife of the deceased and on her request, certificate was issued. In any case, the learned counsel has fairly submitted that as per Section 15 of the Tamil Nadu Registration of Births and Deaths Act, 1969, correction of entries in the death certificate could be effected, if it is proved to the satisfaction of the authority concerned that the entries had been made on the basis of the fraudulent representation at the instance of any party.

6. The learned counsel would submit that if any direction is issued to conduct an enquiry by the respondents 1 and 2, the same would be complied with in terms of Section 15 r/w Section 11 of the rules framed under the Act within the reasonable time as

<https://hccservices.mca.gov.in/hccservices/> is Court.



7. The learned counsel for the petitioner would also submit that since there is a clear provision for correction of entries in the death certificate, the petitioner shall approach the respondents 1 and 2 with all the materials for the said purpose. In view of the above position, this Court in the fitness of things would dispose of this writ petition with the directions as under:-

i) The petitioner is directed to submit an application to the respondents 1 and 2 under Section 15 r/w Rule 11 of the Tamil Nadu Registration of Births and Deaths Act, 1969 and the rules framed thereunder, within a period of two weeks from the date of receipt of a copy of this order, along with all the required supportive materials to prove that she is the legally wedded wife of the deceased Thangakumar.

ii) The respondents 1 and 2 are directed to conduct a detailed enquiry after issuing notice to the parties concerned and in case, the authorities are satisfied that wrong entries have been made in the death certificate, dated 27.02.2018 on the basis of any fraudulent representation, the same shall be corrected forthwith, without any further delay.

iii) It is needless to mention that incorporation of wrong entry, namely, wife of the deceased person, particularly, in this case, could give rise to a fraudulent claim for pension and other benefits payable to the deceased employee. In such cases, it is imperative that the authority should take a call immediately to set right any wrong entries in the death certificate to prevent any fraudulent claim from being made at the cost of the genuine claimants. Therefore, the authorities (respondents 1 and 2) are directed to settle the issue of correctness of the entry of the wife's name in the death certificate within a period of 8 weeks from the date of receipt of application from the petitioner. The respondents 1 and 2 shall take a decision considering the supportive materials to be produced by the petitioner herein and inform the decision to the parties concerned. A copy of the corrected death certificate, if any, shall also be communicated to the petitioner forthwith.

8. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

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Sub Assistant Registrar(CS)



+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-4500[F] dated 11/02/2021)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-4564[F] dated 11/02/2021

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