



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.15437 of 2021

1.K.K.Santhi

2.R.P.Jeyanthi

... Petitioners

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Medical Officer,
Government Hospital,
Vathirairuppu,
Virudhunagar District.

3.The Sub Collector,
Sub Collector Office,
Sivakasi Division,
Virudhunagar District.

4.The Village Administrative Officer,
Village Administrative Office,
Maharajapuram (post),
Vathirairuppu,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 18.11.2020 to instruct the second respondent to send the death report (Accident Register) of the petitioner's deceased brother T.J.Sivanath on 15.08.2019 to the fourth respondent for an entry of death report in the death register and consequently to direct the fourth respondent to issue the death certificate of the petitioner's deceased brother namely T.J.Sivanath on 15.08.2019.



For Petitioner : M/S.T.R.Subramanian

For Respondents : Mr.P.Subbaraj,
Counsel for State for R1 to R4

WEB COPY

ORDER

The petitioners seek the issuance of a Death Certificate as regards the death of their brother, T.J.Sivanath.

2. According to the petitioners, their younger brother had travelled to Sathurigiri Malai at Virudhunagar District by a two-wheeler on 15.08.2019. During the course of such journey, it is alleged that he suffered a heart attack and was declared as brought dead by the Government Hospital. Thereafter, the body was buried or cremated at the Thathaneri Mayanam, Madurai on 16.08.2019. The petitioner alleges that the death has not been duly registered on account of the failure of the second respondent to provide the Accident Report to the fourth respondent.

3. The petitioners also alleges that their deceased brother died unmarried and that he had assets to which the petitioners intend to make a claim. For such purpose, it is stated that the Death Certificate is required. The present Writ Petition is filed on account of the alleged failure of the respondents to issue the Death Certificate in spite of the representation dated 18.11.2020.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents. He has no objection if the representation is considered and disposed of on merits.

5. The documents on record include the extract of the Accident Register maintained by the Government Hospital and the receipt issued by the Burial / Cremation Centre. No Doctor Certificate has been enclosed mentioning the cause of death. However, for the purposes of this proceeding, it is not necessary to record a finding in respect thereof. This aspect may have to be considered when the petitioner's representation is dealt with. The legal heirship certificate of the deceased mother of the petitioners contains the name of another brother, T.J.Venkatesh, who should be put on notice.

6. Subject to the above observations but without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 18.11.2020 and dispose of the same by a reasoned order within a period of ninety (90) days from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioners and any other legal heirs of the deceased.



7. Accordingly, W.P.(MD).No.15437 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Virudhunagar,
Virudhunagar District.

2.The Medical Officer,
Government Hospital,
Vathirairuppu,
Virudhunagar District.

3.The Sub Collector,
Sub Collector Office,
Sivakasi Division,
Virudhunagar District.

4.The Village Administrative Officer,
Village Administrative Office,
Maharajapuram (post),
Vathirairuppu,
Virudhunagar District.

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate (SR-27797[F] dated 01/09/2021)

+1 CC to M/s.GP (SR-27909[F] dated 02/09/2021)

**W.P (MD) No.15437 of 2021
01.09.2021**