



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15919 of 2021

V.Krishnan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchirappalli Revenue Division,
Tiruchirappalli District.

2.The Superintendent of Prisons,
Special Prison for Women,
Tiruchirappalli.

3.The City Health Officer,
Tiruchirappalli Corporation,
Tiruchirappalli.

4.The Tahsildar,
Tiruchirappalli West Taluk,
Tiruchirappalli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to consider and pass appropriate orders on basis of the petitioner's representation dated 17.06.2019 relating with the issuance of the order for registering death of the petitioner's mother namely Sivanammal died on 22.05.2002 and consequently issue death certificate, as the earliest possible as the date may be fixed by this Hon'ble High Court.

For Petitioner : Mr.K.Vijayanand
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the issuance of a Death Certificate in relation to his mother who died on 22.05.2002.

2. The petitioner states that his mother, Sivanammal, was sentenced to imprisonment for life by the Principal Sessions Court, Madurai. Pursuant thereto, she was in the Trichy Women's Jail as Woman Prisoner No.1078. While in prison, on 22.05.2002, she suffered a massive heart attack. When she was taken to the Trichy Annal Gandhi Memorial Government Hospital, she was pronounced dead. Thereafter, her corpus was sent for a postmortem by the jail



authorities. Upon completion of such postmortem, the corpus was handed over to the petitioner so as to enable the cremation / burial of the petitioner's mother's body.

3. According to the petitioner, in the event of death of a convict in custody, the said death should be duly registered under the Registration of Births and Deaths Act, 1969. In view of the fact that the said statutory mandate has not been adhered to, the petitioner submitted a representation to the first respondent on 17.06.2019. It is also stated that the petitioner obtained a Non-Availability Certificate in such regard on 09.12.2019. In spite of providing all relevant documents, the petitioner states that no action has been taken on his representation in spite of the lapse of more than two (2) years.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the first respondent may be directed to consider and dispose of the petitioner's representation dated 17.06.2019 within a reasonable time frame.

5. The petitioner has enclosed the Postmortem Certificate issued on 24.05.2002. He has also issued the Burial Ground Report dated 24.05.2002. The Death Report and Form-2 have also been enclosed. Given the fact that the death of the petitioner's mother occurred while she was a life convict in custody, there is no doubt that the authorities concerned were under an obligation to fulfil all requirements in relation to her death. It is indeed unfortunate that such requirements have not been fully completed in spite of the lapse of considerable time. Accordingly, the petitioner is entitled to the expeditious consideration and disposal of his representation.

6. Accordingly, the first respondent herein is directed to consider the petitioner's representation dated 17.06.2019 and take appropriate action thereon in accordance with law within a period of two (2) months from the date of receipt of a copy of this order. The petitioner is permitted to submit any additional documents, if so required, in this connection.

7. W.P.(MD).No.15919 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

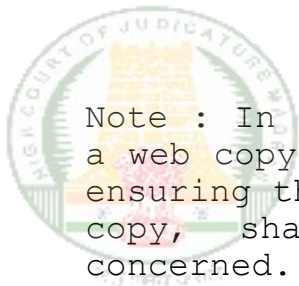
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/ /2021

Sub Assistant Registrar(CS)

tsg/LM

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To
1.The Revenue Divisional Officer,
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+1 CC to M/s.GP (SR-28510[F] dated 08/09/2021)

W.P(MD)No.15919 of 2021
07.09.2021

RK(16.09.2021) 3P 6C