



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16273 of 2021

M.Rajamani

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Thasildar,
Usilampatti,
Madurai 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 respondents herein to consider the petitioner's application dated 04.11.2019.

For Petitioner	: Mr.P.Palani
For Respondents	: Mr.P.Subbaraj
	Counsel for the State

ORDER

The petitioner seeks issuance of her mother's death Certificate.

2.The petitioner states that her mother, Peyammal, was married to one Ponnuchamy Thevar. On account of a matrimonial dispute, it is stated that the petitioner left her matrimonial home and lived in the house of her paternal uncle. The petitioner states that her mother passed away about 35 years ago. Upon applying for the death certificate, the Sub-Registrar, Sindupatti, issued a Non-Availability Certificate on 04.11.2019. Thereafter, it is stated that an inquiry was conducted. On the basis of such inquiry, the Thasildar issued a communication dated 17.12.2020 to the jurisdictional Revenue Divisional Officer. By such communication, it was conveyed with the petitioner's mother died about 35 years ago and that such information was collected in course of inquiry. The communication from the Revenue Inspector, Sindupatti firka is also enclosed and relied upon in this connection. The present writ petition is filed in view of the failure of the authorities to issue the death certificate of the petitioner's mother in spite of the



outcome of the inquiry in such regard.

3.Mr.P.SubbaRaj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the documents on record reveal that proceedings were initiated in relation to the issuance of a death certificate and that such proceedings may be directed to be concluded within a reasonable time frame.

4.The petitioner has enclosed the non-availability certificate dated 04.11.2019. From this document, it is clear that the death of Peyammal was not registered under the Registration of Births and Deaths Act, 1969. Nevertheless, the petitioner has also enclosed the proceedings initiated pursuant to her representation dated 04.11.2019. It appears that an inquiry was conducted with the relevant villagers on the basis of the petitioner's representation and it appears that the Village Administrative Officer and the Thasildar concluded that the petitioner's mother died about 35 years ago. In the light of the documents enclosed in support of the writ petition, the petitioner is entitled to the expeditious disposal of the proceedings in relation to the issuance of the death certificate.

5.Accordingly, without going into the merits, the second respondent herein is directed to proceed with and concluded the inquiry in relation to the petitioner's application for issuance of her mother's death certificate. Such proceedings shall be concluded within a period of 3 moths from the date of receipt of a copy of this order by either issuing the death certificate or issuing a reasoned order indicating the reasons for refusal to issue such death certificate. The relevant inquiry shall be conducted and concluded after providing a reasonable opportunity to the petitioner and, if it is proposed to indicate the name of the husband of the deceased in such death certificate, the other legal heirs of the husband of the deceased.

6.W.P.(MD).No.16273 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

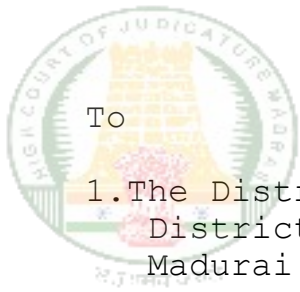
Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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



To

1.The District Collector,
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2.The Revenue Divisional Officer,
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3.The Thasildar,
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Madurai District.

+1 CC to M/s.P.PALANI, Advocate (SR-29053[F] dated 14/09/2021)

+1 CC to M/s.SPL. GP (SR-28945[F] dated 14/09/2021)

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RS (20.09.2021) 3P 6C