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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.7992 of 2022

M. Vijayalakshmi ...Petitioner

..Vs..

State represented by
Registrar (Birth and Death),
Sriperumbuthur Town Panchayat,
Sriperumbuthur, Kancheepuram District ...Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus or Order or Direction in the nature of Writ directing the respondent to include the name of the petitioner as wife in the death certificate of K.G.Mohan Kumar by considering the representation of the petitioner dated 27.01.2022 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Ms.V. Anuradha

For Respondent : Mr. C. Selvaraj
Additional Government Pleader.

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondent to consider the representation dated 27.01.2022 requesting the respondent to correct the name of the wife of the deceased K.G.Mohan Kumar as M. Vijayalakshmi (petitioner) in place of Priya and pass final orders within the time frame to be fixed by this Court.

2.The petitioner claims that she is the legally wedded wife of the deceased K.G.Mohan Kumar, who died on 26.10.2021. According to her, the name of the wife of the deceased K.G.Mohan Kumar is wrongly mentioned as Priya in the death certificate issued for K.G.Mohan Kumar. According to the petitioner, she is the legally wedded wife of K.G.Mohan Kumar. The petitioner seeks for correction of the death certificate. She has given a representation for the said purpose to the respondent on 27.01.2022. Since the representation has not been considered till date, she has filed this Writ Petition.

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3.Heard Ms.V. Anuradha, learned counsel for the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing for the respondent.

4.The petitioner has filed certain documents along with this Writ Petition, which include the wedding photographs, wedding Invitation card, Marriage Registration Certificate of her son, etc., to show that she is the wife of the deceased K.G.Mohan Kumar. It is for the respondent to consider those documents and decide as to whether the petitioner is the legally wedded wife or not.

5.No prejudice would be caused to the respondent if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and Priya, whose name has been mentioned in the death certificate of K.G.Mohan Kumar as his wife. However, the petitioner will have to give address details of Priya to the respondent to enable them to hold an enquiry.

6.For the foregoing reasons, this court directs the petitioner to give the address details of Priya, who has been declared to be the wife of K.G.Mohan Kumar in the death certificate, to the respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said information from the petitioner, the respondent shall pass final orders on the petitioner's representation dated 27.01.2022 requesting for correction of the Death Certificate of the deceased K.G.Mohan Kumar by incorporating her name as the wife of the deceased K.G.Mohan Kumar in place of Priya, and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and Priya including granting them the right of personal hearing within a period of 12 weeks thereafter. It is made clear that if the petitioner does not furnish the correct address of Priya within the stipulated period as stated supra, the respondent need not consider the petitioner's representation.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bga

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To

The Registrar (Birth and Death),
Sriperumbuthur Town Panchayat,
Sriperumbuthur, Kancheepuram District.

+1cc to Mr.C.Selvaraj, Advocate, S.R.No.34623

+1cc to Mr.T.Surendran, Advocate, S.R.No.34377

+1cc to the Government Pleader, S.R.No.34579

W.P.No.7992 of 2022

SMI(CO)
RGA(23/06/2022)

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