



W.P.No.3606 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.3606 of 2018

and

W.M.P.No.4433 of 2018

1.D.Meenatchi

2.H.Kantha

...Petitioners

Vs.

1.The Secretary,
Government of Tamil Nadu,
Department of Revenue,
Fort St.George, Chennai – 600 009.

2.The Tamil Nadu Principal
Birth & Death Registrar,
No.359, Anna Salai, Chennai – 600 006.

3.The Commissioner,
Anakaputhur Municipality,
Anakaputhur, Chennai – 600 070.

4.The Registrar, Birth & Death,
Anakaputhur Municipality,
Anakaputhur, Chennai – 600 070.

5.B.Uma

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 4th respondent to delete the entry in the death certificate (K.Balaji – Died on 31.05.2016 – Registration NO:017/2016/01/00093 – Date of Registration 03.06.2016) in the column wife name as B.Uma and put only 'XXXX' or Widower in the said column and issue a fresh death certificate for late K.Balaji to petitioners.

For Petitioners : Mr.P.Suresh Babu

For Respondents : Mr.Vadivel Deenadayalan

Additional Government Pleader for R1& R2

Mr.P.Srinivas for R3 & R4

R5 – No Appearance

ORDER

The petitioners seek a direction to delete the name of the 5th respondent in the death certificate of his brother late Balaji.

2.According to the petitioners, their brother Balaji had married one Thilagavathi and the said marriage ended in a divorce by mutual consent on 20.06.2012. He would further claim that Balaji died on 03.06.2016 and since he died as a bachelor and issueless, the petitioners would be the legal heirs.

3.According to the petitioners, the 5th respondent, who was a



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tenant under their brother had managed to create a record by including her name as wife in the death certificate. The petitioners seek deletion of the said entry in the death certificate. The official respondents have filed counter. The 5th respondent though served has not entered appearance.

4.The learned counsel appearing for the petitioner would submit that the 5th respondent had filed a suit against the official respondents and has managed to obtain a decree, declaring her as wife of the deceased Balaji. It is also stated that the petitioner has filed a suit and the said suit has been settled by way of an award of the Lok Adalat. It is also stated that the petitioners have filed a suit challenging the award of the Lok Adalat and claiming that they are the heirs of the deceased Balaji. The said suit is pending in O.S.No.110 of 2019 before the Additional District Judge, Chengalpet. Since the matter is pending before the Civil Court, which is the best place for arriving at a conclusion on the issue of legal heirship based on the evidence that is placed before it, I do not think, sitting under Article 226, this Court can go into the same.



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5.Hence, this Writ Petition is disposed of with liberty to the petitioners to raise all questions before the Civil Court, which will decide the same in accordance with the evidence placed before it. No costs. Consequently, conencted miscellaneous petition is closed.

20.09.2022

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Index:No
Internet:Yes
Speaking



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To:-

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R.SUBRAMANIAN, J.

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