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W.P.No.16136 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**W.P.No.16136 of 2021
and
W.M.P.No.17066 of 2021**

Anu

... Petitioner

Vs.

1.The Chief Registrar of Births and Deaths cum
Director of Public Health and preventive medicine,
No.64, 75, Main Road,
Chockalingam Nagar,
Teynampet,
Chennai - 600 006.

2.The District Collector,
Collectorate,
Tiruvannamalai,
Tiruvannamalai District.

3.The District Revenue Officer,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.

4.The Tahsildhar,
Polur Taluk,
Tiruvannamalai District.



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5.The Executive Officer cum Registrar of Births and Deaths,
Polur Selection Grade Town Panchayat,
Tiruvannamalai District.

6.The Sub Registrar,
Polur,
Tiruvannamalai District.

7.The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.

8.The Sub Inspector of Police,
Polur Police Station,
Tiruvannamalai District.

9.Tharani

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the death certificate issued by the 5th respondent bearing registration No.D-2021:33-9179-000095, dated 25-05-2021 and to quash the same is illegal and further direct the 5th respondent to give a fresh death certificate to the petitioner based upon petitioner's representation dated 22.06.2021, mentioning petitioner's name as wife of petitioner's deceased husband namely Late.Baskar.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.K.H.Ravikumar
Government Advocate
for R1 to R8
Mr.S.B.Viswanathan
for R9



ORDER

This Writ Petition has been filed challenging the death certificate dated 25.05.2021 issued by the 5th respondent on the ground that since the petitioner is the legally wedded wife of the deceased, her name should be mentioned as the wife of the deceased, but arbitrarily and illegally the name of the 9th respondent has been mentioned as the wife of the deceased.

2. The petitioner has challenged the impugned order on the ground that eventhough the 9th respondent has not produced any documents to substantiate her claim that she is the legally wedded wife of the deceased one Baskar, the impugned death certificate has been issued by the 5th respondent disclosing her as the wife of the deceased and has disallowed the representation of the petitioner that she is the legally wedded wife of the deceased Baskar.

3. The petitioner has filed documents along with this writ petition including the marriage invitation card, birth certificate of the petitioner's son, birth certificate of petitioner's daughter, policy in the name of the petitioner's husband, L.I.C. Policy in the name of the petitioner's daughter, L.I.C premium receipt, certificate of intercaste marriage, Aadhar Card of the



petitioner, Aadhar Card of the petitioner's husband, Smart Card of the petitioner to substantiate her claim that she is the legally wedded wife of the deceased Baskar.

4. According to the petitioner, despite producing all the aforementioned documents, the petitioner has been directed to approach the Civil Court under the impugned order for correction of the death certificate which discloses the 9th respondent as the wife of the deceased Baskar in place of the petitioner.

5. The learned counsel for the petitioner drew the attention of this Court to the impugned order rejecting the petitioner's request and would submit that there is a clear observation made by the 5th respondent in the impugned order that the 9th respondent has not produced any documents to substantiate her claim that she is the legally wedded wife of the deceased Baskar. But despite the same, arbitrarily and illegally, the impugned order rejecting the petitioner's request has been passed by the 5th respondent.

6. As seen from the impugned order, all the contentions raised by the



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petitioner in this writ petition has not been considered. Being a non-speaking order with regard to the contentions raised by the petitioner in this writ petition, the impugned order has to be necessarily quashed and the matter remanded back to the 5th respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and the 9th respondent including granting them the right of personal hearing.

7. A fresh decision will have to be taken after hearing both the parties as to whether the death certificate can be rectified by including the name of the petitioner as wife of the deceased Baskar in place of the 9th respondent and whether the earlier directions issued by the 5th respondent directing the petitioner to approach the Civil Court is correct or not. The 5th respondent is directed to pass final orders within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.



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Index : Yes/No
Speaking Order : Yes / No
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To

1. The Chief Registrar of Births and Deaths cum
Director of Public Health and preventive medicine,

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W.P.No.16136 of 2017

No.64, 75, Main Road,
Chockalingam Nagar,
Teynampet,
Chennai - 600 006.

2.The District Collector,
Collectorate,
Tiruvannamalai,
Tiruvannamalai District.

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ABDUL QUDDHOSE. J.,

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