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W.P.No.23736 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.11.2022**

CORAM :

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P.No.23736 of 2022

M.Abbas Ali

... Petitioner

-Vs-

1.The Municipal Health Officer,
Department of Public Health,
Greater Chennai Corporation,
Amma Maligai, Ribbon Building,
Chennai – 600 003.

2.The Zonal Health Officer,
Zone VIII,
Department of Public Health,
Greater Chennai Corporation,
No.36B, Bulla Avenue,
Shenoy Nagar,
Chennai – 600 030.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the order of the 2nd respondent in Ma.Na.Aa8 Na.Ka.No.883/2022 dated 22.04.2022 and consequently directing the respondents to rectify the mistake of deceased mother's name Nagoor Beevi instead of Fathima Beevi in death certificate on the petitioner's reply written representation dated 09.05.2022 within a stipulated period.



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For Petitioner : Mr.R.Sasikumar
For Respondents : Mr.R.Kumaravel,
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus, to call for the records and quash the order of the 2nd respondent in Ma.Na.Aa8 Na.Ka.No.883/2022 dated 22.04.2022 and consequently directing the respondents to rectify the mistake of deceased mother's name Nagoor Beevi instead of Fathima Beevi in death certificate on the petitioner's reply written representation dated 09.05.2022 within a stipulated period.

2.One Jalal Basha is a bachelor till his lifetime, died on 12.05.2020. Since there is no other legal heirs for the said Jalal Basha, the petitioner being the sister's son had applied for death certificate of the deceased Jalal Basha. In the death certificate issued by the respondent, the name of the mother of Jalal Basha has been mentioned as Nagoor Beevi instead of Fathima Beevi.

3.The fact remains that the petitioner's mother, who is none other than the sister of Jalal Basha is Nagoor Beevi, that has been wrongly mentioned, as if that is the name of mother of Jalal Basha.



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4. Therefore, in order to make this correction, the petitioner had made a request to the respondent, which has been turned down by the impugned order dated 22.04.2022. Challenging the same, the present writ petition has been filed with the aforesaid prayer.

5. Heard Mr.R.Sasikumar, learned counsel appearing for the petitioner and Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents.

6. Since the deceased person Jalal Basha is only a bachelor, he has no other legal heir except the petitioner, who is his sister's son and in the death certificate, the name of the petitioner's mother has been wrongly mentioned as if it is the mother name of the deceased Jalal Basha. This is a genuine mistake occurred either on the basis of the application filled up by the petitioner or any other reason.

7. Be that as it may, when the rectification is called for, the same should have been properly enquired and rectification has to be made by the respondent, instead, they simply stated that the documents pertaining to this change has to be produced. In this regard, even though it has been claimed by



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the petitioner that necessary documents has been produced, the same has not been looked in proper perspective by the respondent. Be that as it may, this Court feels that the impugned order can be set aside and remitted back to the respondent with a direction for reconsideration.

8. In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following order:

That the impugned order dated 22.04.2022 is set aside and the matter is remitted back to the respondents for reconsideration. While reconsidering the same, the petitioner shall give whatever proof available with the petitioner to establish the name of the mother of Jalal Basha is Fathima Beevi and accordingly, on receipt of the proof to be filed by the petitioner, the same shall be considered and accordingly, the necessary correction sought for by the petitioner has to be made and corrected death certificate can be issued by the respondents to the petitioner within a period of six weeks from the date of receipt of a copy of this order.



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9. With these directions, the Writ Petition is disposed of. No costs.

Index : Yes/No

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Internet: Yes/No

Speaking order/Non-speaking order

sp/drm

To

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R.SURESH KUMAR.J..

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