



W.P.No.27839 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27839 of 2022

K.Nalliappan

.... Petitioner

-Vs-

The Sub Registrar
Dadagapatti Registration Office
Salem – 636 015.

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the petitioners representation dated 19.07.2022 and further directing the respondent to issue a corrected death certificate of petitioners father Kandhan instead of Kandhankani Mother Varudayee instead of Varudhamma and Grandfather Muthu instead of Muthukani.

For Petitioner : Mr.D.Meenakshi Sundaram
For Respondent : Mr.K.Tippu Sulthan
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to consider the petitioners representation dated 19.07.2022 and further directing the respondent to issue a corrected death certificate of



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petitioners father Kandhan instead of Kandhankani Mother Varudayee instead of Varudhamma and Grandfather Muthu instead of Muthukani.

2. The petitioner's father one Kandhan died on 19.06.1976. In order to get death certificate of the petitioner's father, when the petitioner made an application, that was considered and granted. However, in the death certificate the name of the petitioner was mentioned as 'Kandhankani' instead of 'Kandhan', the name of the petitioner's mother was mentioned as 'Varudayee' instead of 'Varudhamma' and the petitioner's grandfather's name was mentioned as 'Muthukani' instead of 'Muthu'. Therefore, in order to issue corrected death certificate in the name of the father of the petitioner ie., Kandhan, the petitioner has given a representation on 19.07.2022 to the respondent and since the same has not been considered so far, the petitioner has moved the present writ petition.

3. Heard Mr.D.Meenakshi Sundaram, learned counsel for the petitioner, who after having reiterated the aforesaid facts, would seek the indulgence of this Court to issue appropriate direction to the respondent.

4. Heard Mr.K.Tippu Sulthan, learned Government Advocate appearing for the respondent, who would submit that, as per the Tamil Nadu Registration of



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Births and Deaths Rules 2000, (In short 'the Rules') under Rule 11(4) it has been specifically mentioned that, if there is any correction required in the certificate issued in this regard, under the Rule that shall be made only on an application along with the certificate issued by all credible persons having knowledge of the facts. Unless and until that certificate is produced, the said action of correction cannot be made.

5. In this context, the learned Government Advocate would further contend that, if the person died was residing in a Village Panchayat, then the certificate should be given by the Village Panchayat President. Therefore, in this case the certificate issued by the Village Administrative Officer of the village annexed along with the application of the petitioner cannot be considered. Hence, the petitioner can be asked to obtain a certificate from the Village Panchayat President and then the application would be considered and correction would be carried out.

6. I have considered the submissions made by the learned counsel on either side and have perused the materials placed on record.

7. Having regard to the submissions made by the learned Government Advocate and also the relevant Rule as mentioned above ie., Rule 11(4) of the



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Tamil Nadu Registration of Births and Deaths Rules 2000, the petitioner shall obtain a certificate from the Village Panchayat President of the village concerned, where the petitioner's father was residing and produce the same to the respondent, who on receipt of the such certificate, shall consider the representation of the petitioner dated 19.07.2022 and pass orders thereon on merits and in accordance with law within a period of four weeks from thereafter. With the above directions, this writ petition is disposed of. No costs.

19.10.2022

Index : Yes/No
Internet : Yes/No
KST
To

The Sub Registrar
Dadagapatti Registration Office
Salem – 636 015.



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R. SURESH KUMAR, J.

KST

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