



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.28489 of 2021

A. Kumari

... Petitioner

Vs

1. The Commissioner,
The Greater Chennai Corporation,
Rippon Building,
Poonamalli Main Road,
Chennai.
2. The Zonal Health Officer,
Zonal - 5, Birth and Death Registration (Dept) officer,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 21.
3. The Sanitary Officer,
Zonal - 5, Birth and Death Registration (Dept) officer,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 21.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent herein to consider petitioner's representation dated 30.09.2021 and register the death of the petitioner's Mother Smt.Alwar Ammal @ Alwarnayaki Ammal and issue death certificate to the petitioner within a time frame.

For Petitioner : Mr.R.Krishna Prasad

For Respondents : Ms.P.T.Ramadevi
Standing Counsel

O R D E R

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 30.09.2021 and register the death of the petitioner's Mother Smt.Alwar Ammal @ Alwarnayaki Ammal and issue death certificate to the petitioner.



2. The case of the petitioner is that, the petitioner's mother one Alwarammal @ Alwarnayakiammal passed away on 18.03.1993 at Ulagappa Maistry Street, Chinthadripet. She was cremated on the same day at Krishnamapettai burial ground and report of death issued by the burial ground in-charge dated 18.03.1993 is available with the petitioner.

3. Though the death was occurred sometime in 1993, thereafter no specific steps seems to have been taken by the petitioner to register the death of the mother of the petitioner at the Death Register of the respondent Corporation.

4. However, off late recently when they approached the respondent Corporation to get a Death Certificate, it was found that, the death was not reported. Therefore, in order to register the death of the mother of the petitioner dated 18.03.1993, the petitioner had given a representation on 30.09.2021 to the respondent Corporation and the same since has not been considered he has approached this Court by filing the present writ petition with the aforesaid prayer.

5. The learned counsel appearing for the petitioner would contend that, the burial ground certificate given by the In-charge of the burial ground dated 18.03.1993 was attached along with the said representation dated 30.09.2021 beyond which no other certificate is available with regard to the proof of the death of the mother. Therefore, accepting the same, let the respondent Corporation register the death of the mother of the petitioner and issue a certificate to that effect, he contended.

6. However, Ms.P.T.Ramadevi, learned Standing Counsel appearing for the respondent Corporation would submit that, normally this kind of death occurred, the same has to be registered in the Death Register. The Doctor Certificate to certify that the death is a natural death along with the certificate of the burial/cremation centre or Crematorium should be obtained and produced before the respondents. Without these certificates, the petitioner cannot seek for indulgence of the respondent Corporation to register the death of the mother of the petitioner.

7. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

8. According to the petitioner, the death was a normal death which occurred on 18.03.1993 and on the same day, it was buried in the burial ground at Krishnamapettai, Chennai and in this regard, the burial ground in-charge had given a certificate that is available with the petitioner which was already produced by



the petitioner along with the request dated 30.09.2021.

9. At this length of time, it may not be possible for the petitioner to approach the Doctor to get a certificate to the effect that the death occurred was a natural one.

10. In this regard, it is open to the respondent Corporation to verify that, whether any complaint has been given or received by the respondent Corporation of the concerned police about the death of the mother of the petitioner and if no such complaint has been received, it can be presumed that the death occurred on 18.03.1993 is a natural death, because, long years have gone since the death of the mother of the petitioner. Therefore, in this regard, after having conducted a limited enquiry by obtaining input if any from the concerned police who is having jurisdiction over the residents of the petitioner's mother/petitioner as well as the burial ground, a needful action in accordance with law can be undertaken by the respondent Corporation.

11. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent Corporation to consider the request of the petitioner dated 30.09.2021 and pass orders thereon on merits and in accordance with law, of course by taking into account the aforestated and pass final orders thereon within a period of six weeks from the date of receipt of a copy of this order.

12. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

Sgl

To

1. The Commissioner,
The Greater Chennai Corporation,
Rippon Building,
Poonamalli Main Road,
Chennai.



WEB COPY

2. The Zonal Health Officer,
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Chennai - 21.

3. The Sanitary Officer,
Zonal - 5, Birth and Death Registration (Dept) officer,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai - 21.

+1cc to Mr.R.Krishna Prasad, Advocate SR.No.481

+1cc to M/s.P.T.Ramadevi, Advocate SR.No.890

W.P. No.28489 of 2021

JPL(CO)
GMY(02/03/2022)