

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.5714 of 2013

Rajammal

... Petitioner

Vs.

The Tahsildar,
Taluk Office, Manapparai,
Tiruchirapalli District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the respondent issued in his proceedings Mu.Mu/B6/5359/2012 dated 24.08.2012 and quash the same and consequently directing the respondent to issue Death Certificate for the death of the petitioner's husband died on 01.10.2001 respectively based on the order passed by the Hon'ble Judicial Magistrate, Manapparai in C.M.P. No. 3937 of 2010 dated 13.08.2010.

For Petitioner : Mr.T.M.Madasamy

For Respondent : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present writ petition has been filed challenging an order passed by the respondent herein, under which the request of the petitioner for grant of Death Certificate for the death of her husband has been rejected.

2. According to the petitioner, her husband had died on 01.10.2001. However, within time, the death was not registered before the concerned authorities. Hence, the petitioner had filed CrI.M.P.No. 3937 of 2010 before the Judicial Magistrate, Manapparai. The learned Judicial Magistrate was pleased to allow the said application on 13.08.2010 directing the Tahsildar, Manapparai to issue Death Certificate to the petitioner for the death of her husband. Pursuant to the said order of the learned Judicial Magistrate, the petitioner had approached the respondent herein. However, the respondent has rejected the said request under the impugned order on the ground that there is a delay in producing the order of the learned Judicial Magistrate.

3. As per Section 13 of the Registration of Births and Deaths Act

1969, any birth or death could be registered beyond the prescribed period on payment of the late fee, if the delay has exceeded 30 days. But, if it is within one year, it shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee along with the production of an affidavit made before a notary public. In any other case, where a birth or death has not been registered within one year of its occurrence, it shall be registered only on an order made by a Magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death on payment of the prescribed fee. This case falls under Section 13 (3). Hence, once an order has been passed by the learned Judicial Magistrate, the delay that had happened after passing of the order cannot be a bar for registering the birth or death. Only condition is that, the petitioner has to make payment of prescribed fee.

4. In view of the above said provision, the order impugned in the writ petition is set aside. The respondent is directed to register the death of the petitioner's husband as per the order, dated 13.08.2010 on payment of prescribed fee.

5. With the above said observations, this Writ Petition stands allowed. No costs.

07.09.2022

Index : Yes / No
Internet : Yes / No

gbg

To

The Tahsildar,
Taluk Office, Manapparai,
Tiruchirapalli District.

W.P(MD)No.5714 of 2013

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.5714 of 2013

Dated:
07.09.2022