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W.P.(MD)NO.6007 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6007 of 2022

E.Vetriselvan

... Petitioner

Vs.

1. The District Collector,
O/o.The Collector,
Madurai District, Madurai – 625 020.
 2. The District Collector,
O/o.The Collector,
Kancheepuram, Kancheepuram District.
 3. The Tahsildar,
Madurai North Taluk,
Collectorate Campus, Madurai.
 4. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram District.
 5. The Inspector of Police,
Vishnu Kanchi police station,
Kancheepuram District.
(Crime no.773 of 2013)
 6. The Commissioner,
Madurai City Municipal Corporation,
Madurai.
(R-6 is suo motu impleaded
vide order dated 06.06.2022)
- ... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records in connection with the order passed by the third respondent in Na.Ka. No.1032/2022/C2 dated 24.03.2022 and quash the same as illegal and consequently directing the third respondent to issue death certificate for the death of the petitioner's father Ellappan.

For Petitioner : Mr.M.Seenisulthan

For R-1 to R-5 : Mr.M.Sarangan,
Additional Government Pleader.

For R-6 : Mr.K.K.Kannan

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a resident of Madurai within its Corporation limits. The petitioner's father Ellappan had died in unnatural circumstances. The factum of his death is not in doubt. It appears that he had been murdered and his body could not be retrieved. The occurrence appears to have



taken place in Kancheepuram. All that the petitioner wants is only a Death Certificate.

3. I am of the view that we need not quibble as to who is the authority competent to issue the certificate. Ellappan was also a resident of Madurai. If his death is in doubt, then the Corporation can hesitate to issue the certificate. The police authorities have categorically state that Ellappan had been killed. When the death is not in doubt, the Corporation authorities can as well be directed to issue certificate.

4. In this view of the matter, the sixth respondent herein / Commissioner, Madurai City Municipal Corporation, is directed to issue death certificate to the petitioner certifying that his father Ellappan is no more and the date of death need not be filled up. Such certificate will be issued without any delay. This writ petition stands allowed on these terms. No costs.

18.07.2022

Index : Yes / No
Internet : Yes/ No

PMU

G.R.SWAMINATHAN,J.



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To:

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O/o.The Collector,Kancheepuram, Kancheepuram District.
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