



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

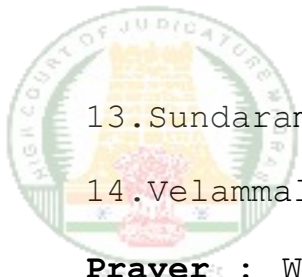
W.P. (MD) .No.6080 of 2022

T.Ramalingam

... Petitioner

Vs .

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Thirumangalam Sub Division,
Thirumangalam,
Madurai District.
- 3.The Tahsildar,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.
- 4.The Village Administrative Officer,
Virusankulam Village,
Thirumangalam Taluk,
Madurai District.
- 5.The Superintendent of Police,
Madurai District.
- 6.The Inspector of Police,
Thirumangalam Taluk Police Station,
Thirumangalam,
Madurai District.
- 7.S.Kannan
- 8.S.Karuppiyah
- 9.S.Rajaguru
- 10.Backiyalakshmi
- 11.A.Karpagakannan
- 12.A.Muthukumar



13.Sundarammal

14.Velammal

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the 1st to 6th respondents to consider the petitioner's representation dated 15.03.2022 to direct take necessary action within the stipulated time period fixed by this Court.

For Petitioner : Mr.R.Sundar
For R-1 to R-6 : Mr.T.Amjad Khan,
Government Advocate.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 6 to consider the petitioner's representation dated 15.03.2022 within a time frame to be fixed by this Court.

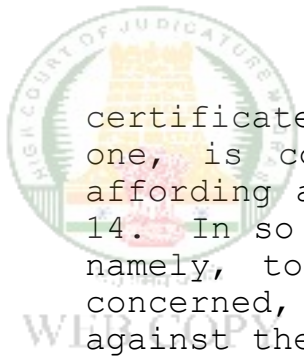
2. According to the petitioner, he is the son of late.Muthukaruppayee, who died on 23.12.2006. According to him, the death certificate was issued on 23.08.2007 for Muthukaruppayee. However, it is the contention of the petitioner that the respondents 7 to 14 have obtained a bogus death certificate for the very same Muthukaruppayee on 08.08.2016 disclosing the date of death of Muthukaruppayee as 26.11.2003.

3. The petitioner has given a representation on 15.03.2022 to the respondents 1 to 6 seeking for cancellation of the bogus death certificate referred to supra. He has also given a representation that action should be initiated by the respondents 1 to 6 against the respondents 7 to 14. Since the said representations have not been considered till date, he has filed this Writ Petition.

4. Heard Mr.R.Sundar, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 6.

5. Mr.T.Amjad Khan, learned Government Advocate, on instructions, would submit that proceedings has already been initiated with regard to the petitioner's representation dated 15.03.2022 seeking for cancellation of the death certificate dated 08.08.2016 issued for the deceased Muthukaruppayee. According to him, the third respondent has issued notice of hearing to the petitioner in the enquiry proceedings and the next date of hearing is fixed as 12.04.2022. The same is recorded.

6. No prejudice would be caused to the respondents, if the petitioner's representation seeking for cancellation of the death



certificate on the ground that the said death certificate is a bogus one, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 7 to 14. In so far as the second representation given by the petitioner, namely, to take legal action against the respondents 7 to 14 is concerned, the petitioner will have to file a separate proceedings against the respondents 7 to 14 in a manner known to him under law.

7. For the foregoing reasons, this Court directs the third respondent to complete the enquiry proceedings initiated pursuant to the representation of the petitioner dated 15.03.2022 seeking for cancellation of the alleged bogus death certificate issued for the deceased Muthukaruppayee and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 7 to 14 including granting them the right of personal hearing, within a period of four (4) months from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
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Thirumangalam,
Madurai District.
- 3.The Tahsildar,
Thirumangalam Taluk Office,
Thirumangalam,
Madurai District.

<https://hcservices.mca.gov.in/DocServices/>



4.The Village Administrative Officer,
Virusankulam Village,
Thirumangalam Taluk,
Madurai District.

5.The Superintendent of Police,
Madurai District.

6.The Inspector of Police,
Thirumangalam Taluk Police Station,
Thirumangalam,
Madurai District.

+1 CC to M/s.R. SUNDAR, Advocate (SR-16519[F] dated 05/04/2022)

+1 CC to M/s.SPL.GP (SR-16748[F] dated 05/04/2022)

W.P. (MD) .No.6080 of 2022
04.04.2022

NSN(CO)
KB(12.04.2022) 4P 9C