



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8025 of 2022

J.Ebanesar

... Petitioner

/Vs./

- 1.The Director Public Health & Preventive Medicine /
The Chief Registrar of Births and Deaths,
64, 75, Main Road, Chokkalingampuram,
Teynampet, Chennai.
 - 2.The District Collector,
Kanyakumari District, at Nagercoil.
 - 3.The Joint Director of Public Health & Preventive Medicine /
Deputy Chief Registrar of Birth & Deaths,
Nagercoil, Kanyakumari District.
 - 4.The Birth, Death Registration Officer,
Kattathurai Panchayat, Kannanoor & Post,
Kanyakumari District.
 - 5.The Managing Director,
Rathna Memorial Hospital (P) Ltd.,
11/208, Main Road, Swamiyar Madam,
Kattathurai Post, Kanyakumari District.
 - 6.The Managing Director,
Saraswathi Hospital,
Building No.722, Pavathiyanvila,
Salem-Cochi-Kanyakumari Highway,
Kurumkutti, Thiruvananthapuram,
Kerala-695 502.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representations dated 18.10.2021 & 25.10.2021 and to direct the respondents 1 to 4 to register the death of the petitioner's wife, namely Sheeba and issue Death Certificate within time stipulated by this Court.



For Petitioner : Mr.K.Jerish Neeraj,
For Mr.MR.Sreenivasan
For R1 to R4 : Mr.D.Sasikumar,
Additional Government Pleader.

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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to consider the petitioner's representations dated 18.10.2021 & 25.10.2021 seeking for registration of the death of the petitioner's wife, Sheeba and issue death certificate, within a time to be stipulated by this Court.

2.The case of the petitioner is that his wife, Sheeba died in the fifth respondent hospital, while undergoing treatment for infertility. It is also the case of the petitioner that the fifth respondent hospital did not inform the fourth respondent about her death. According to the petitioner, she died on 16.01.2021. It is also contended by the petitioner that due to the medical negligence of the fifth respondent hospital, the petitioner's wife died. The petitioner has given representations on 18.10.2021 and 25.10.2021 to the respondents 1 to 3 seeking for issuance of death certificate for his wife, Sheeba, as the same has not been registered with the fourth respondent, due to the fault of the fifth respondent hospital. Since the representations have not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.K.Jerish Neeraj, learned representing counsel, for Mr.MR.Sreenivasan, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

4.No prejudice would be caused to the fourth respondent, if the petitioner's representations are considered on merits and in accordance with law, after affording a fair hearing to the petitioner, including permitting him to produce all the relevant documents/records to substantiate his claim that his wife, Sheeba died on 16.01.2021 in the fifth respondent hospital during her infertility treatment.

5.For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representations dated 18.10.2021 and 25.10.2021 seeking for issuance of death certificate for his wife, Sheeba, who died on 16.01.2021 in the fifth respondent hospital, while undergoing treatment for infertility and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing and also permitting him to submit all the relevant documents/records to substantiate his case, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



6. With the aforesaid direction, this writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Director Public Health & Preventive Medicine /
The Chief Registrar of Births and Deaths,
64, 75, Main Road, Chokkalingampuram,
Teynampet, Chennai.

2. The District Collector,
Kanyakumari District,
at Nagercoil.

3. The Joint Director of Public Health & Preventive Medicine /
Deputy Chief Registrar of Birth & Deaths,
Nagercoil, Kanyakumari District.

4. The Birth, Death Registration Officer,
Kattathurai Panchayat,
Kannanoor & Post, Kanyakumari District.

+1 CC to M/s.M.R. SREENIVASAN, Advocate (SR-21244[F]
dated 26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21903[F] dated 27/04/2022)

order made in

W.P. [MD]No.8025 of 2022

Dated:

26.04.2022

SJ (CO)

GC (01.06.2022) 3P 7C