



W.P.(MD)No.23199 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23199 of 2022
and
W.M.P.(MD)No.17291 of 2022

C.Arockiya Sahaya Reeta

.. Petitioner

Versus

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to dispose of the petitioner's Application for issuance of Death Certificate for the petitioner's deceased husband, namely Late.S.Chinnappa Thiraviam under Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Kannan
Additional Government Pleader



W.P.(MD)No.23199 of 2022

ORDER

WEB COPY

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to dispose of her Application for issuance of Death Certificate for her deceased husband, namely S.Chinnappa Thiraviam under Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 [hereinafter referred to as "the Rules"].

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that her husband namely, S.Chinnappa Thiraviam, who was working in Singapore as a Contract Labour, died on 24.12.2018 due to heart attack and his body was brought to the petitioner's Village after getting necessary permission from the Government for cremation. Due to untimely demise of her husband, the petitioner was not in a position to apply for the death certificate of her deceased husband and she had inadvertently failed to register the death of her husband under the Registration of Births and Deaths Act, 1969 [hereinafter referred to as "the Act"].

Therefore, as per Section 13 of the Act, the petitioner had filed a petition



W.P.(MD)No.23199 of 2022

before the second respondent/Revenue Divisional Officer, Devakottai, to register the death of her husband and issue death certificate. Thereafter, the second respondent, through his proceedings in Na.Ka.No.A2/6335/2020, dated 01.10.2020, directed the petitioner to appear for enquiry on 15.10.2020 and furnish a copy of Non-Availability Certificate, Challan for payment of Rs.500/- towards condonation of delay for registration of death and a Notarized Affidavit and other related documents, confirming the death of her husband. Accordingly, the petitioner had furnished all the documents as requested by the second respondent. However, no action has been taken for issuance of death certificate so far. Hence, the present Writ Petition.

4.The learned counsel appearing for the petitioner submits that as per Rule 9(3) of the Rules, any birth or death, which has not been registered within one year of its occurrence, shall be registered by an order of the Executive Magistrate not below the rank of a Revenue Divisional Officer on payment of late fee of Rs.500/- and therefore, the second respondent may be directed to issue the death certificate of the petitioner's husband, within a time frame to be fixed by this Court.

5.The learned Additional Government Pleader appearing for the respondents, on instructions, submits that the petitioner's husband died on 24.12.2018 at Singapore and it does not fall within the jurisdiction of the



W.P.(MD)No.23199 of 2022

second respondent and therefore, he could not proceed further and issue the Death Certificate.

6.Considering the above said submissions made by the learned counsel on either side, it is seen that the petitioner's husband died on 24.12.2018 due to heart attack while he was working at Singapore and thereafter, his body was brought to India and thereafter, cremated in the common burial ground situated at Nemam, Thirupathur Taluk, Sivagangai District and by inadvertence, this death was not registered immediately by the petitioner.

7.In view of the aforesaid facts and circumstances of the case, this Court is of the view that appropriate report could be obtained from the third respondent/Tahsildar, Thirupathur Taluk, Sivagangai District, and thereafter, the respondent concerned is hereby directed to proceed further and pass appropriate orders regarding the application filed by the petitioner, seeking issuance of death certificate taking note of the fact that the petitioner's husband died due to heart attack while he was working at Singapore and his body was brought to India only after obtaining necessary permission from the Indian Government and cremated in the common burial ground situated at Nemam, Thirupathur Taluk, Sivagangai District, which was confirmed by the President of Nemam Panchayat, within a period of four weeks from the date of receipt of a copy of this order.

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)No.23199 of 2022

8.This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No

10.10.2022

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.



WEB COPY



W.P.(MD)No.23199 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD) No.23199 of 2022

10.10.2022