



W.P.(MD)No.23479 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23479 of 2022

M.Maheswari

.. Petitioner

Versus

1.The District Collector,
Sivagangai District,
Sivagangai.

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

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to issue Death Certificate for the death of the petitioner's father Late.Aadhan, S/o.Late.Sonai @ Sappani, who died on 06.08.1983 at Potagavayal, Ilayankudi Taluk, Sivagangai District, based on the petitioner's application, dated 15.03.2022, within a time frame to be fixed by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing

<https://www.mhc.tn.gov.in/judis> the respondents to issue Death Certificate for the death of her father



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Late.Aadhan, S/o.Late.Sonai @ Sappani, who died on 06.08.1983 at Potagavayal, Ilayankudi Taluk, Sivagangai District, based on her application, dated 15.03.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that a property, measuring an extent of 5 cents, bearing S.No.315/7 of Potagavayal Village, Thadiyamangalam Village Panchayat, was assigned by the Government in favour of her grandmother namely, Ezhuvakkal, W/o.Late.Sonai @ Sappani. Another property, measuring an extent of 46 cents, bearing S.No.207/5 of Thadiyamangalam Village, was inherited by her grandmother and Patta No.107 was also issued in her name. The petitioner's grandfather predeceased her grandmother and they had two children namely, Aadhan, who is the father of the petitioner and one Kaani, who married one Sankaran and they have no issues. The said Sankaran died long back. Hence, the petitioner is the only legal heir to inherit the said properties. The paternal aunt of the petitioner, namely, Kaani is willing to release her share in the above said properties in favour of the petitioner. When the same was attempted to be executed, the registering authorities requested for the legal heirship certificate of Late.Ezhuvakkal, W/o.Sonai @ Sappani. Thereafter, when the petitioner made an attempt to get the legal heirship certificate, the revenue authorities wanted the death certificate of the petitioner's father. Therefore, the petitioner applied for the death certificate of



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her father on 15.03.2022 along with non-availability certificate and paid the necessary fees. Based on the said application, the second respondent, vide his communication dated 19.05.2022, directed the Tahsildar of Kalaiyarkovil, to enquire into the matter and submit a report. However, no action has been taken so far. Having left with no other effective and efficacious alternative remedy, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

3.The learned Government Advocate appearing for the respondents submits that unless and until the petitioner produces the relevant document to prove that she is the legal heir, no death certificate can be issued and that there are certain procedures to be followed by the authorities concerned before issuance of the death certificate.

4.Considering the aforesaid facts and circumstances of the case, this Court is of the view that Writ of Mandamus cannot be issued at the outset. The petitioner cannot seek a direction to issue the death certificate of her father, who died on 06.08.1983. As per Section 13(3) of the Registration of Births and Deaths Act, 1969, any birth or death, which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the first class or a Presidency Magistrate after verifying the



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correctness of the birth or death and on payment of the prescribed fee. The petitioner is not aware of the said procedure. There are certain procedures to be followed by the authorities concerned before issuance of the death certificate.

5.In view of the above said facts and circumstances of the case, this Court is not inclined to entertain the Writ Petition and the same is liable to be dismissed. Accordingly, it is dismissed with liberty to the petitioner to approach the concerned authorities as per the rules and the law established. No costs.

Index : Yes/No
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12.10.2022

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- 1.The District Collector,
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V.BHAVANI SUBBAROYAN, J.

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