



W.P.(MD)No.23659 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23659 of 2022

Tharmakani, W/o.Late. Rajendran

.. Petitioner

Versus

1.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.

2.The Sanitary Inspector,
Birth and Death Registration Office,
West Division Office,
Thoothukudi.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representations, dated 15.04.2021 and 24.12.2021 and to issue No Entry Certificate for the death of the deceased Rajan, within a stipulated period to be framed by this Court.

For Petitioner : Mr.J.David Ganesan

For 1st Respondent : Mr.N.Anandkumar
Standing Counsel

For 2nd Respondent : Mr.A.Kannan
Additional Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider her representations, dated 15.04.2021 and 24.12.2021 and to issue No Entry Certificate for the death of the deceased Rajan, within a time frame to be fixed by this Court.

2.Heard Mr.J.David Ganesan, learned counsel appearing for the petitioner, Mr.N.Anandkumar, learned Standing Counsel, who takes notice for the first respondent and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the second respondent. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, her husband's brother namely, Rajan, who was suffered with some mental illness, and unmarried person, died between 20.02.2014 and 27.02.2014. On 20.02.2014 the deceased Rajan went out from the house and did not return back. The entire family members searched him in and around the localities and their relatives' houses, but the said Rajan was not found anywhere. Finally, on information, the petitioner came to know that his dead body was found at Siva Garden, which is situated one kilometer away from Meelavittan area, in a decomposed stage. Therefore, a case in Crime No. 76 of 2014 was registered under Section 174 of Cr.P.C., on the file of the



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conducting postmortem, the dead body was buried on 27.02.2014 at the Thoothukudi Corporation burial ground. As per the postmortem report dated 03.07.2014, no fatal internal/external injuries were found anywhere in the body of the deceased and the death would have occurred more than three days prior to the autopsy and no reason has been assigned in the said report regarding the cause of death and no poison was detected in the viscera. The Village Administrative Officer, Thoothukudi Part – II, Thoothukudi Taluk, has also given a certificate dated 13.02.2015, to the petitioner's husband's brother Ravichandran stating that he is the brother of the said deceased.

4. In the above said circumstances, on 15.04.2021, the petitioner sent a representation along with all the relevant documents to the respondents, narrating the entire facts and requesting them to issue death certificate of the deceased Rajan. According to the petitioner, it is the mandatory duty of the respondents to issue death certificate with the particular date of death of the said Rajan or to issue No Entry Certificate. Finally, on 24.12.2021 the petitioner made a detailed representation to the first respondent, requesting him to take appropriate steps on her earlier representation and also to issue No Entry Certificate for the death of the deceased Rajan. 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

<https://www.mhc.tn.gov.in/judis> the present Writ Petition for the relief stated supra.



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5. On a perusal of the F.I.R. in Crime No.76 of 2014, dated 27.02.2014, it is seen that the deceased was aged about 55 years and he had suffered due to mental illness at the age of 32 and normally, whenever he used to go out from the house, he would return back to the house immediately, whereas, on 20.02.2014 the deceased Rajan went out from the house and did not return back. Immediately, a hectic search was made by the entire family members in and around the localities and their relatives' houses, but the said Rajan was not found anywhere. Finally, based on the information given by a shepherd, the petitioner came to know that the dead body was found at Siva Garden, which is situated one kilometer away from Meelavittan area, in a decomposed stage. Thereafter, the said F.I.R. was registered. Further, as per the postmortem report, dated 03.07.2014, no fatal internal/external injuries were found anywhere in the body of the deceased and the death would have occurred more than three days prior to the autopsy and no reason has been assigned in the said report regarding the cause of death and no poison was detected in the viscera. Hence, the date of death can be determined and pass appropriate orders to issue the death certificate.

6. Considering the aforesaid facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents 1 and 2 to consider the representations of the petitioner, dated 15.04.2021 and



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24.12.2021 and pass appropriate orders on merits and in accordance with law,
within a period of six weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
smn2

14.10.2022

To

- 1.The Commissioner,
Thoothukudi Corporation,
Thoothukudi.
- 2.The Sanitary Inspector,
Birth and Death Registration Office,
West Division Office,
Thoothukudi.



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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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