

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17243-2021
Date of Decision: 31.05.2022

Urmila Devee

..... Petitioner

Versus

Post Graduate Institute of Medical Education and Research and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Tejpal Dhull, Advocate,
for the petitioner.

Mr. Anmol Partap Singh Mann, Advocate,
for respondent No.1.

Mr. Ajay Kripal Singh, Advocate, for
Mr. Aman Pal, Advocate,
for respondent No.2.

Dr. Anand K. Bishnoi, Advocate,
for respondent No.3.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to issue the death certificate of the father of the petitioner, who died on 04.07.1998, during treatment at the PGIMER, Chandigarh.

On the previous date of hearing, this Court had passed the orders, which reads as under:-

“The counsel for respondent No.2 has submitted that they have found certain documents showing that the

death of the father of the petitioner had, in fact, happened in PGIMER, Chandigarh-respondent No.1. The said documents have been supplied to the counsel for respondent No.1, as well as, to the counsel for respondent No.3, who pray for time to peruse the same before addressing arguments.

Adjourned to 31.05.2022.”

Today, learned counsel for respondent No.1-PGIMER has submitted that since the matter pertains to the year 1998, therefore, neither the record qua the death of the father of the petitioner is available nor the then doctors are in service in the PGIMER, Chandigarh. Hence, the PGIMER finds itself unable to verify the factum of the death of the father of the petitioner, in itself. However, the documents supplied by respondent No.2-GMCH, Chandigarh to respondent No.1-PGIMER appear to be genuine; with reference to the particulars mentioned thereon.

Learned counsel for respondent No.3-Registrar, Births and Deaths, submits that since the death happens to be more than one year ago, therefore, they cannot register the death of the father of the petitioner without Court order.

Since, it is clear from the documents that the father of the petitioner had expired and was dealt with after his death in the medical institutions situated in Chandigarh, therefore, it was, primarily, the responsibility of the said medical authorities to report the death of the father of the petitioner to the authorities responsible for registering the said death. However, the said information had not been sent to respondent No.3-

Registrar, Births and Deaths, at the relevant time; by anyone of the medical institutions involved in the case. Be that as it may, the documents, as supplied by respondent No.2-GMCH, Sector 32, Chandigarh, to respondent No.1-PGIMER, Chandigarh, show that the death had happened in the PGIMER, Chandigarh, therefore, it would be appropriate if respondent No.1-PGIMER, Chandigarh is directed to re-construct the record regarding the factum of the death of the father of the petitioner on the basis of the documents supplied by respondent No.2-GMCH, Chandigarh, as well as, by the petitioner; and to intimate the said fact to respondent No.3-Registrar, Births and Deaths.

Accordingly, respondent No.1-PGIMER, Chandigarh, is directed to re-construct the record and intimate the date of the death of the father of the petitioner to respondent No.3-Registrar, Births and Deaths, Chandigarh, within a period of three weeks from today. On receipt of the information regarding the death of the father of the petitioner, respondent No.3-Registrar, Births and Deaths, shall issue the death certificate qua the death of the father of the petitioner, within a further period of three weeks from the date of receipt of the information from respondent No.1-PGIMER, Chandigarh. Needless to say that since a long time has elapsed since the date of death of the father of the petitioner, therefore, on receipt of the information from respondent No.1-PGIMER, Chandigarh, all the statutory provisions relating to registration of the death shall be deemed to have been complied with and respondent No.3-Registrar, Births and Deaths would not be required to seek any other permission or order from any other Court or

authority; for issuance of the death certificate.

With the above-said directions, the present petition stands disposed of.

(RAJBIR SEHRAWAT)
JUDGE

31.05.2022
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No