



W.P.No.6898 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.6898 of 2023

Celina Christina Fathima

...Petitioner

vs.

1. The Director,
Tamil Nadu Government Multi Super Specialty Hospital,
Omandurar Government Estate,
Anna Salai, Chennai-600 002.
2. The Resident Medical Officer,
Tamil Nadu Government Multi Super Specialty Hospital,
Omandurar Government Estate,
Anna Salai, Chennai-600 002.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai-600 003.
4. The Zonal Health Officer,
Zone-V,
Greater Chennai Corporation,
No.105, Basin Bridge Road,
Chennai-600 079.
5. Shenbagavalli

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to make necessary alteration of the wife's name in the 1st & 2nd respondents' hospital records of the petitioner's husband (Natarajan) maintained by him from Shenbagavalli, who is the 5th respondent herein to the petitioner's name (Celina Christina Fathima), and direct the 4th respondent to make necessary alteration in the death certificate in column "Name of the Husband/Wife" from Shenbagavalli, who is the 5th respondent herein to the petitioner's name (Celina Christina Fathima).

For Petitioners : Mr.F.Wellington

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP, for R1 & R2
: Ms.P.T.Ramadevi, SC, for R3 & R4

ORDER

This Writ Petition has been filed seeking direction to the the 2nd respondent to make necessary alteration in the 1st & 2nd respondents' hospital records of the petitioner's husband (Natarajan) in respect of the wife's name and to consequently, direct the 4th respondent to make necessary alteration in the death certificate of the petitioner's husband in respect of the wife's name as well.



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2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the 1st & 2nd respondents. Ms.P.T.Ramadevi, learned Standing Counsel takes notice for the 3rd & 4th respondents. In view of the consent expressed by the Learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 5th respondent, notice to the 5th respondent is dispensed with.

4. The case of the petitioner is that, on 31.08.1994, the petitioner married one Natarajan @ Nelson, who was born as Hindu and was later baptized and converted to Christianity and out of their wedlock, they were blessed with a female child namely Nancy Chinna Rani. The petitioner's husband worked as driver in the Chennai Corporation and he nominated his mother and the petitioner as nominees to receive the family pension and nominated his mother, daughter and the petitioner to receive the retirement benefits and other benefits. The petitioner's husband died on 21.04.2022 at the 1st and 2nd respondents' hospital due to his health ailment. While so, the



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5th respondent, with an ill-motive, gave her name as the wife of the petitioner's husband. In such circumstances, upon receipt of the letter of the 5th respondent dated 26.04.2022, claiming death cum retirement benefits of the petitioner's husband, the Zonal Health Officer-IV, Greater Chennai Corporation informed the same to the petitioner. Immediately, the petitioner approached the 4th respondent and requested him to change the name of the wife of the petitioner's husband from 5th respondent's name to the petitioner's name, however, the 4th respondent, informed the petitioner that, the details in the death certificate will be entered only based on the Hospital records. Aggrieved by the same, the petitioner made a representation dated 04.05.2022 before the 1st respondent, requesting to enter the petitioner's name as the wife of the deceased Natarajan, upon receipt of which, the 2nd respondent, vide letter dated 20.05.2022, sought for some documents and the same were also submitted by the petitioner on 22.06.2022. However, till date, no steps have been taken to delete the 5th respondent's name and to enter the petitioner's name as the wife of the said Natarajan. Therefore, the petitioner made a representation dated 27.07.2022 before the 2nd respondent, which evoked no response. In the mean time, on 09.05.2022,



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the 4th respondent issued the online death certificate of the petitioner's husband, mentioning the name of the 5th respondent as wife of the said Natarajan instead of the petitioner. Hence, this Writ Petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 27.07.2022, conduct enquiry in between the petitioner and the 5th respondent and pass appropriate orders within a particular time frame fixed by this Court.

6. On the above said contentions, heard learned counsel appearing for the respective respondents and perused the materials available on record.

7. Admittedly the 5th respondent's name was entered as the wife of the deceased Natarajan in the Death Certificate. Though the petitioner



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claims that the said Natarajan was baptized and converted into Christianity and thereafter married the petitioner, however, a perusal of the materials placed on record, particularly the death certificate reveals that, the name of the deceased was only mentioned as Nadarajan and not Natarajan @ Nelson or Nelson Natarajan.

8. Further, as the issue involved in this Writ petition pertains to disputed questions of facts, the same cannot be entertained under Article 226 of the Constitution of India and the same cannot be decided by the respondents herein as well. Hence, the prayer sought for by the petitioner cannot be acceded to. However, the petitioner is at liberty to approach the competent Civil Court and workout the remedy in the manner known to law.

9. For the reasons aforesaid, this Writ petition stands dismissed. No Costs.

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NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

To:

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M.DHANDAPANI., J.

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