



W.P.No.8660 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8660 of 2023

K.Sarala

.. Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation
Ribon Building,
Chennai 600003.
2. The Revenue Divisional Officer,
Chennai Central,
Anna Nagar West Extension,
Chennai, Tamil Nadu 600040.
3. The Tahsildar,
Maduravoyal Taluk Office,
Nolambur Phase II, Mogappair West,
Chennai-600037.

4. A.Chinnaiyan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd



W.P.No.8660 of 2023

respondent relating to Na.Ka.No.A/53023/2023 dated 23.01.2023 and quash the same and direct the 2nd respondent to register the date of death of the petitioner father in the birth and death register book.

For Petitioners : M/s.D.Suriyanarayanan

For Respondents : Ms.P.T.Rama Devi for R1 & R2

Mr. E.Veda Bagath Singh,

Special Government Pleader for R3

ORDER

This Writ Petition has been filed challenging the impugned order of the 2nd respondent which came to be passed on 23.01.2023 and for a direction to the 2nd respondent to register the date of death of the deceased father of the petitioner.

2. Ms.P.T.Rama Devi, learned counsel takes notice for Respondents 1 & 2, Mr. E.Veda Bagath Singh, learned Special Government Pleader takes notice for 3rd Respondent.



W.P.No.8660 of 2023

3. According to the petitioner, his father died on 14.01.1994.

However, the death of the petitioner's father was not registered. Hence, he made a representation to the 2nd respondent seeking to register the death of his late father and the same was forwarded to the 1st respondent. As the said representation was not considered, the petitioner filed a Writ Petition before this Court in W.P.No.17498 of 2022 seeking to pass orders on the his representation, in which, the 1st respondent was directed to pass orders on the petitioner's representation. In compliance of the said order, the petitioner's representation was considered and rejected vide the present impugned order dated 23.01.2023 on the ground that relevant documents with regard to the death of the deceased was not produced by the petitioner. Challenging the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that though the petitioner had submitted the statement letter issued by the Village Administrative Officer along with the report given by the inspector of Police confirming the death of the deceased father of the petitioner, however, even without considering the above records, the 1st respondent had



W.P.No.8660 of 2023

mechanically rejected the claim of the petitioner on the ground that no details have been furnished with regard to the death of the deceased. Hence, the order impugned is liable to be interfered with.

5. On the above contention, this Court heard the learned counsel for respondents 1 & 2, learned Special Government Pleader appearing for the 3rd respondent and perused the materials available on record.

6. A bare perusal of the impugned order reveals that the said order has come to be passed rejecting the claim of the petitioner, even without considering report of the inspector of police as well as the letter issued by the Village Administrative Officer, which are available on record. Therefore, the order impugned in this Writ Petition is liable to be interfered with. Accordingly, the impugned order dated 23.01.2023 is set aside and the matter is remanded to the 2nd respondent to conduct the enquiry with regard to issuance of death certificate in respect of the deceased father of the petitioner and pass appropriate orders on the same. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.



W.P.No.8660 of 2023

WEB COPY 7. This Writ Petition stands allowed. There shall be no order as to costs.

20.03.2023

nhs

Index : Yes / No

Internet : Yes / No

To

1. The Commissioner,
Greater Chennai Corporation
Ribon Building,
Chennai 600003.
2. The Revenue Divisional Officer,
Chennai Central,
Anna Nagar West Extension,
Chennai, Tamil Nadu 600040.
3. The Tahsildar,
Maduravoyal Taluk Office,
Nolambur Phase II, Mogappair West,
Chennai-600037.



WEB COPY



W.P.No.8660 of 2023

M.DHANDAPANI, J.

NHS

W.P.No.8660 of 2023

20.03.2023