



WEB COPY



W.P.No.26200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.26200 of 2023
and W.M.P.No.25605 of 2023

Periyasamy

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

3.The Tahsildar,
Sulur Taluk,
Sulur,
Coimbatore District

4.Murugasamy

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari, calling for the records relating to the impugned proceedings passed in Na.Ka.No.3220/2023/E6, dated 14.07.2023 on the file of the first respondent herein, quash the same.



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For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.V.Manoharan
Additional Government Pleader
for R1 to R3

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner had obtained a death certificate for his mother stating that she had died on 20.06.2005, and that came to be reversed by the District Collector, the first respondent vide his proceedings dated 14.07.2023 based on a complaint raised by the petitioner's brother, the fourth respondent herein. This is now under challenge.

3.Mr.V.Manoharan, the learned Additional Government Pleader takes notice for respondents 1 to 3.

4.Heard Mr.K.Govi Ganesan, the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Additional Government Pleader



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appearing for respondents 1 to 3.

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5.The District Collector, the first respondent herein, has only one option: if the date as given by the petitioner is wrong, then to enquire and substitute the correct date, and issue a death certificate. However, this was not done, as the District Collector has merely cancelled the death certificate earlier given.

6.This Court, therefore is constrained to set aside the impugned proceedings of the first respondent and remands the matter back to the first respondent to hold an enquiry and ascertain the correct date of death of the petitioner's mother, Rayathal.

7.The Writ Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

21.09.2023

Anu

Index : Yes / No

Neutral citation : yes/no

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N.SESHASAYEE, J.
Anu

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