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W.P. No. 29305 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29305 of 2023

J.Suresh

... Petitioner

-VS-

The Birth and Death Registrar,
Division No. 119, Zone No. 9,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600003.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to consider the Petitioner representation dated 16.05.2023 for rectification of defects in the death certificate of his father A.Jayendran bearing Registration Number: D-2023:16444-000130 dated 02.05.2023.

For Petitioner : Mr. K.Myilsamy

For Respondent : Mrs. P.T.Ramadevi

ORDER

Heard Mr. K.Myilsamy, Learned Counsel for the Petitioner and Mrs. P.T.Ramadevi, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The father of the Petitioner, viz., A.Jayendran, had died on 26.04.2023 and in his Death Certificate dated 06.05.2023 issued by the Respondent under the provisions of the Registration of Births and Deaths Act, 1969, the name of his wife had been wrongly entered as 'Sivagami. J' instead of 'Manjula', who had pre-deceased him on 06.04.2023 for which Death Certificate dated 26.04.2023 had also been issued in that regard. The Petitioner claims to have made a representation dated 16.05.2023 for correction of the said mistake, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. At this juncture, reference must be made to Section 15 of the Registration of Births and Deaths Act, 1969, which reads as follows:-

“15. Correction or cancellation of entry in the register of births and deaths.— If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in



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which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”

It is also relevant to refer the Rule 11(4) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 (hereinafter referred to as the Rules' for short), which reads as follows:-

“11. Correction or cancellation of entry in the register of births and deaths under Section 15:

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person a declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.”

In terms of Rule 11(4) of the Rules, it shall be incumbent upon the concerned authority to conduct an enquiry into the matter on the said representation made by the Petitioner for correction in the Death Certificate.



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4. In view of the foregoing discussion, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 16.05.2023 made by the Petitioner for correction of the mistaken entry made in the registration of the death of his father, viz., A.Jayendran, in terms of the relevant rules;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 2 working days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the report of such compliance shall be filed by 31.01.2024 before the Registrar (Judicial) of the Court.



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WEB COPY In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

20.10.2023

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Index: Yes/No

Note: Issue order copy by 08.01.2024.

To

The Birth and Death Registrar,
Division No. 119, Zone No. 9,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600003.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. J. Suresh,
S/o. Late A. Jayendran,
No. 639/197, T.H. Road, Tondairpet,
Chennai 600 081.



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P.D. AUDIKESAVALU, J.

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