



W.P.(MD).No.10972 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

W.P.(MD).No.10972 of 2023

S.Nivetha

... Petitioner

Vs.

1.The Dean,
District Head Quarters Hospital,
Kovilpatti, Thoothukudi District.

2.The Registrar (Birth and Death),
District Head Quarters Hospital,
Kovilpatti, Thoothukudi District.

3.The Superintendent,
District Head Quarters Hospital,
Kovilpatti, Thoothukudi District.

4.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

...Respondents

*(*R4 is suo motu impleaded by this Court vide order dated 12.06.2023 made in W.P(MD).No.10972 of 2023*)*

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the third respondent dated 25.10.2022 in



W.P.(MD).No.10972 of 2023

Na.Ka.No.8049/Pa.U/2022 and quash the same and consequently, directing the respondents to correct the petitioner's mother name as S.Muthumeena instead of Samuthirakani in the death certificate of the petitioner's father namely G.Sakthivel, who died on 25.12.2020 forthwith.

For Petitioner : Mr.J.Parekhkumar

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner claims that her mother's name is S.Muthumeena. The birth certificates of the petitioner and her sister have also been enclosed as documents. The death certificate of the said Muthumeena is also enclosed as a document. However, when her father, namely, G.Sakthivel, was admitted in the hospital, the name of her mother was given as Samuthirakani in the Death Register and the name of the legal heirs was not entered in the Register. Hence, the petitioner seeks that necessary correction should be made in the death certificate of her father by including her mother's name as Muthumeena and not as Samuthirakani.



W.P.(MD).No.10972 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner has stated that when her father was admitted in the hospital, it is not known whether some stranger had given the name as given in the Register.

3. The issue raised in the present writ petitioner can only be resolved by the Tahsildar, Kovilpatti Taluk, Thoothukudi District. Therefore, the petitioner is permitted to make a fresh representation before the Tahsildar. On receipt of the representation, the Tahsildar, on whom a burden is cast, is directed to examine the birth certificate of the petitioner and her sister, the death certificate of her mother and any other document produced by them on showing the name of her father and her mother and also call for the records from the hospital and from Kovilpatti Municipality, where her father was working and conduct enquiry and give a considered decision. The entire exercise must be completed within a period of 12 weeks from the date of receipt of a copy of this order. The representation may be accompanied by a copy of this order.

4. In view of the fact that a direction is given to the said Tahsildar to conduct necessary enquiry, the Tahsildar, Kovilpatti Taluk, Tuticorin



W.P.(MD).No.10972 of 2023

WEB COPY

District, is *suo motu* impleaded as fourth respondent in this writ petition.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

12.06.2023

Index: Yes/No
Internet: Yes/No
ssb

Note: Registry is directed to carry out necessary amendment before issuing the order copy.

To

- 1.The Dean,
District Head Quarters Hospital,
Kovilpatti, Thoothukudi District.
- 2.The Registrar (Birth and Death),
District Head Quarters Hospital,
Kovilpatti, Thoothukudi District.
- 3.The Superintendent,
District Head Quarters Hospital,
Kovilpatti, Thoothukudi District.
- 4.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.



WEB COPY



W.P.(MD).No.10972 of 2023

C.V. KARTHIKEYAN, J.

ssb

W.P.(MD).No.10972 of 2023

12.06.2023