



W.P(MD)No.10004 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10004 of 2015

and

M.P(MD)No.1 of 2015

Manimegalai

... Petitioner

Vs

1.The Commissioner,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai – 625 002.

2.The Registrar of Birth and Death,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai – 625 002.

3.The Tahsildar,
Madurai South Taluk,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to register the date of death of this petitioner's paternal grandmother Krishnammal, died on 06.08.1991, at Harveypati, within Madurai South Taluk, then, and Madurai



W.P(MD)No.10004 of 2015

Corporation limits at present, as per the order of the learned Judicial Magistrate No.6, Madurai dated 05.11.2013 within a time frame fixed by this Court.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.T.S.Mohammed Mohideen
Standing Counsel for R.1

Mr.N.Satheesh Kumar
Additional Government Pleader
for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2. The only question that calls for consideration is whether the respondents 1 and 2 can be directed to register the demise of the writ petitioner's grant mother / Krishnammal. Krishnammal passed away on 06.08.1991 at Harveypati. Harvipatti became a part of the Madurai Corporation only in the year 2010. In the year 2013, the second respondent who was the competent authority without making the second respondent as respondent the petitioner chose to implead the third respondent alone as respondent in Cr.M.P.No.1787 of 2013 before the learned Judicial Magistrate No.VI, Madurai. Therefore, the second respondent cannot be expected to act based on the order dated 05.11.2013 passed by the learned Judicial Magistrate No.VI, Madurai. The petitioner is given liberty to file a fresh petition under Section



W.P(MD)No.10004 of 2015

13(3) of the Registration of Births and Deaths Act, 1969 before the concerned Judicial Magistrate by impleading the respondents 1 and 2. Based on the order to be passed by the learned Judicial Magistrate No.VI, Madurai, appropriate certificate will be issued by the Corporation authorities.

3. With this liberty to the writ petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Commissioner,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai – 625 002.

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W.P(MD)No.10004 of 2015

G.R.SWAMINATHAN, J.

MGA

Copy to:

The Judicial Magistrate No.VI,
Madurai.

W.P(MD)No.10004 of 2015
and
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