



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-02-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.3322 of 2021

S.T.Kanchana

.. Petitioner

-VS-

1.The Dean,
Mohan Komaramangalam Medical College and
Hospital,
Salem-636 001.

2.Birth and Death of Registrar,
Mohan Komaramangalam Medical College and
Hospital,
Salem-636 001.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying for the issuance of a Certiorarified Mandamus, calling for the



records relating to the impugned letter issued by the second respondent dated 04.01.2021 on the file of the second respondent, quash the same and direct the second respondent to conduct an enquiry and issue a Death Certificate of the petitioner's husband.

For Petitioner : Mr.M.Senthilkumar
For Respondents : Ms.C.Meera Arumugam,
Additional Government Pleader.

ORDER

The letter dated 04.01.2021 sent by one Mr.V.Kannan, Birth and Death of Registrar to Mr.S.Mariyappan, Advocate at Salem, is under challenge in the present writ petition.

2. The letter between the Birth and Death of Registrar, Mohan Komaramangalam Medical College and Hospital, Salem and one Mr.S.Mariyappan, Lawyer, would provide no cause to the writ petitioner for challenging the same in the present writ petition.



3. The petitioner claims that she is the legally wedded wife of late Mr.Premkumar. The marriage of the petitioner with the deceased Mr.Premkumar was solemnised on 26.11.2001. One female and one male children were born out of their wedlock and due to misunderstanding, the writ petitioner filed a divorce petition.

4. During the pendency of the divorce petition, her husband Mr.Premkumar died on 18.12.2020. The Authorities issued Death Certificate, which reveals that one Smt.Suganthi is the wife of the deceased Mr.Premkumar.

5. Mr.M.Senthilkumar, learned counsel for the petitioner, would submit that the petitioner is the legally wedded wife of the deceased Mr.Premkumar and the said Smt.Suganthi is not the wife of the deceased Mr.Premkumar. Such disputed facts relating to matrimonial dispute, cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India.



6. The status of the petitioner as legally wedded wife or the first wife of the deceased Mr.Premkumar, is to be declared by the Competent Civil Court of Law for the purpose of availing succession or to avail any other benefits under the Statutes.

7. Thus the petitioner has to establish her status, as the first and legally wedded wife of the deceased Mr.Premkumar, for the purpose of redressing her grievances. However, such matrimonial related disputes, cannot be resolved in the present writ petition.

8. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs.

06-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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