



W.P.No.11862 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.11862 of 2024

S.Kamatchi

... Petitioner

Vs.

The Revenue Divisional Officer,
Cheyyar,
Tiruvannamalai District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the respondent to issue the Death Certificate of V.Elumalai who died on 05th October 1975, by considering the petition dated 03.05.2023 within a stipulated period fixed by this Court.

For Petitioner

: Mr.M.Raja

For Respondent

: Mr.U.Baranidharan

Additional Government Pleader

ORDER

The writ of mandamus has been instituted to direct the respondent to issue 'Death Certificate' of V.Elumalai, who died on 05.10.1975, by considering the petition dated 03.05.2023.



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2. The petitioner states that she is aged about 61 years and her father late V.Elumalai, died on 05.10.1975. Since, the petitioner has not obtained 'Death Certificate' for the past about 48 years, she has filed an application for issuance of 'Death Certificate'.

3. The Authorities verified the Birth and Death Registers maintained at the Office and found that there is no entry regarding the death of the father of the writ petitioner late V.Elumalai. Since there is no entry in the death register, the Authorities are not in a position to issue the 'Death Certificate' to the petitioner.

4. In the absence of any entry in the death register, this Court cannot direct the Authorities to issue 'Death Certificate'. 'Death Certificate' can be issued under the provisions of the Births and Deaths Act only by following the due process. If the date of death is not available in the death register, then the parties have to approach the competent court of law for the purpose of establishing the death of a person for whom the 'Death Certificate' is sought for. In the present case, there is no entry in the death register and a reply was given to the petitioner.



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5. That being the factum, the petitioner is at liberty to workout her remedy in the manner known to law. With this liberty, this Writ Petition stands **disposed of**. No costs.

25.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

The Revenue Divisional Officer,
Cheyyar,
Tiruvannamalai District.

S.M.SUBRAMANIAM,J.



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