



WEB COPY



W.P.No.15759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15759 of 2024

C.Karuppian

.... Petitioner

Vs

1. The District Collector,
Ariyalur District.

2. The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.

3. The Tahsildar,
Senthurai Taluk,
Ariyalur District.

4. Chinnammal
5. Thangamani

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent herein dated 28.12.2023 made in O.Mu.A5/3140/2023, quash the same and consequently direct the second respondent to issue necessary direction to the registrar of births and deaths to register the death of the petitioner's sister C.Banumathi who died on 26.03.1988 at No.3/196, Ambedkar Nagar, Irumbulikulurichi, Senthurai Taluk, Ariyalur District.



WEB COPY



W.P.No.15759 of 2024

For Petitioner : Mr.C.Sivanesan
For R1 to R3 : Mr.U.Baranidaran
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 28.12.2023, thereby rejected the request made by the petitioner seeking registration of her sister's death.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

3. The petitioner is the son of one Chinnathambi and Govindammal. They also gave birth to a daughter by name Banumathi, who died on 26.03.1988 at the age of eight. However, the death of said Banumathi, who is sister of the petitioner herein, was not intimated to any authorities concerned and her death was not registered so far. In the meanwhile, the said Govindammal, the wife of Chinnathambi, died on 24.02.1988, leaving behind the petitioner and the deceased Banumathi as her legal heir. The sister of the said Govindammal, whose name is also Banumathi died on 26.03.1988 due to ill-health. The petitioner's father



W.P.No.15759 of 2024

Chinnathambi got married to one Chinnammal and gave birth to the fifth respondent. Thereafter, the petitioner's father also died on 31.08.1989, leaving behind his second wife and the fifth respondent, viz., the fourth and fifth respondents herein along with the petitioner as his legal heir.

4. The fifth respondent got married to one Ganesan on 14.09.2009. The petitioner's father had immovable properties, admeasuring 90 cents comprised in Survey No.42/3 situated at Irumbulikurichi Village, which was ancestral properties. Therefore, the petitioner, the fourth and fifth respondents are entitled to the property in equal share. The fifth respondent filed a partition suit in O.S.No.304 of 2010 before the District Munsif Court, Ariylaur, seeking partition of the subject property. While filing the suit, she had manipulated her name as if her name is Banumathi, wife of Ganesan and daughter of Chinnammal and obtained a decree on 05.01.2010. Now, the petitioner came to understand that in the name of his deceased sister, the fifth respondent filed a suit and obtained decree in O.S.No.304 of 2010.

5. One Rani, who is none other than the subsequent purchaser of the subject property filed a suit in O.S.No.281 of 2022, in



W.P.No.15759 of 2024

which, the petitioner is also arrayed as third defendant, for declaration declaring that the Judgement and Decree obtained in O.S.No.304 of 2010 as null and void. Pending the said suit, the petitioner submitted an application to register her sister's death on 26.03.1988 before the third respondent. On receipt of such application, the third respondent conducted a detailed enquiry and concluded that the petitioner's sister Banumathi died on 26.03.1988 and her death was not registered so far. The third respondent recorded the statement of all the relatives and annexed the relevant documents to register the death of petitioner's sister to the second respondent. Even then, on receipt of the same, the second respondent rejected the application submitted by the petitioner seeking registration of her sister's death on the ground that one Rani filed a suit in O.S.No.281 of 2022 on the file of the Sub Court, Ariyalur. In view of the pendency of the said suit, the request made by the petitioner cannot be considered.

6. A perusal of the plaint in O.S.No.281 of 2022 reveals that one Rani/Complainant, who had purchased the subject property from the petitioner in respect of his share, filed a suit for declaration declaring that the Judgement and Decree obtained by the fifth respondent herein as null



W.P.No.15759 of 2024

an void. Therefore, the said suit has nothing to do with the request made by the petitioner for registration of his sister's death on 26.03.1988. In fact, the third respondent conducted a detailed enquiry and after recording the statement of all the relatives and concluded that the petitioner's sister died on 26.03.1988. Therefore, the reasons stated in the rejection order passed by the first respondent cannot be sustained and as such, the impugned order is liable to be quashed.

7. Accordingly, the impugned order dated 28.12.2023 passed by the second respondent is hereby quashed. The second respondent is directed to register the death of the petitioner's sister, viz., Banumathi, who died on 26.03.1988 and issue death certificate to the petitioner forthwith.

8. In the result, this writ petition stands allowed. No costs.

19.06.2024

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



WEB COPY

To

1. The District Collector,
Ariyalur District.

2. The Revenue Divisional Officer,
Udayarpalayam,
Ariyalur District.

3. The Tahsildar,
Senthurai Taluk,
Ariyalur District.



W.P.No.15759 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.15759 of 2024

19.06.2024