



WEB COPY

W.P.No.18474 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18474 of 2024
and WMP.No.20261 of 2024

Deivathal

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Petitioner

vs

The District Collector
Office of the District Collector,
Palladam Road, Tiruppur District.

2.The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

3.The Tahsildar
Dharapuram,
Tiruppur District.

4.The Sub Registrar,
Dharapuram,
Tiruppur District.

5.Dhanalakshmi

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 09.09.2022 made in proceedings Na.Ka.3823/2021/Aa3 passed by the 3rd respondent and to quash the same,



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W.P.No.18474 of 2018



consequently direct the 3rd respondent to cancel the fake death certificate and to pass such further or other order.

For Petitioner : Mr.N.Balakrishnan
For Respondents : Mr.A.Selvendran,
Spl Government Pleader for R1 to R3.
Mr.L.S.M.Hasan Fizal, AGP for R4.

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. The grievance of the petitioner is that he has given a representation to the Tahsildar/3rd respondent to cancel the death certificate in respect of one one Chellammal registered on the file of the Sub Registrar/4th respondent. It is the case of the writ petitioner that there are two date of death certificates have been registered in respect of the same person. According to the writ petitioner, the said Chellammal died on 17.11.1981 which is already recorded in the death register. Whereas, the 5th respondent also obtained a death certificate as if the said Chellammal died on 17.03.1987. According to the writ petitioner, the subsequent date i.e, on 17.03.1987 is not the actual date of death of Chellammal. In this regard, the petitioner had given a representation to the 3rd respondent/Tahsildar. In



turn, the Tahsildar had conducted an enquiry by calling upon the petitioner and the 5th respondent and submitted a report to the 2nd respondent/DRO dated 09.09.2022 stating that he is not in a position to ascertain the actual death of the Chellammal. Challenging the said impugned order dated 09.09.2022 made in proceedings Na.Ka.3823/2021/Aa3 passed by the 3rd respondent, the petitioner filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3 and the learned Additional Government Pleader for the 4th respondent and perused the materials available on record.

4. The very nature of the dispute captured in the impugned order indicates that the parties have disputed the date of death of Chellammal. Though, the said Chellammal stated to have been died in the year 1981, death certificate has been obtained only in the year 2017 by the writ petitioner. Similarly, the 5th respondent obtained death certificate on 27.03.2015 claiming that the said Chellammal died on 17.03.1987. When there was serious dispute with regard to the date of death of Chellammal, the authorities cannot go into the dispute, it is for the writ petitioner to establish



the correct date of death of Chellammal by filing appropriate suit, to establish the rights, as against the other private party who is disputing the date of death of Chellammal.

5. In the result, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

12.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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WEB COPY

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N.SATHISH KUMAR, J.

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