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W.P.No.21038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.21038 of 2023

Barathy

vs

.. Petitioner

1.The Registrar,
Registration of Birth and Death,
Division 52A, Zone – 5,
Greater Chennai Corporation,
Department of Public Health,
Chennai.

2.Consulate General of France in Puducherry,
France in India,
No.2, Marine Street,
White Town,
Puducherry – 01.

3.K.Samundeeswari
(*suo motu impleaded vide*
order dated 08.03.2024)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to take appropriate action and conduct necessary enquiry and cancel the death certificate issued in the name of the petitioner's husband S.Kaviarasan, vide Registration No. D - 2021 : 33 – 16603 – 000008, Registered on 05.01.2021.

For Petitioner : Mr. B.Balavijayan

For Respondents : Ms. Vanitha Joyce Rani
Standing Counsel
for R1



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ORDER

In this writ petition, the petitioner seeks a mandamus directing the first respondent, being the Registrar of Births and Deaths, Division 52A, Zone 5, Greater Chennai Corporation, Chennai to conduct enquiry for cancellation of death certificate issued in the name of the petitioner's husband, S. Kaviarasan.

2. This matter was heard in detail on earlier occasions and feeling the need to implead a third party, whose name figured in the documentation, steps were taken to implead one K. Samundeeswari. Service is complete on R2 being the Consulate General of France in Puducherry as well as K. Samundeeswari, and their names printed in the cause-list. There is no appearance by or on behalf of R2 and R3.

3. The Court prefers not to outline any of the facts set out in the affidavit as a representation is stated to have been filed by the petitioner before R1 seeking the same relief as sought for in this writ petition. That representation is dated 05.05.2023 (page 19 of typed-set dated 28.06.2023). There is no acknowledgement available on file and learned standing counsel, who appears for R1 states that the representation is not available with the authority.

4. Thus, let the petitioner make a representation afresh before the authority, if she is so inclined. Such representation, if filed within four weeks from today, will be entertained by R1. It is made clear that if R1



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takes the representation up for hearing, it will be ensured that notice should be issued to all necessary parties, prior to a decision being taken thereupon, in accordance with law.

5. Writ petition stands closed in terms of this order. No costs.

04.06.2024

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Registrar,
Registration of Birth and Death,
Division 52A, Zone – 5,
Greater Chennai Corporation,
Department of Public Health,
Chennai.
- 2.Consulate General of France in Puducherry,
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DR. ANITA SUMANTH,J.

ssm

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