IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.07.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.21135 of 2024

V.Chidambara Kumar .... Petitioner

Vs

The Revenue District Officer,
The Revenue District office,
Anna Salai, Guindy,
Chennai-600 032. .... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to issue death certificate to the petitioner's father as per amended Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 read with G.O. (Ms).No.293, Health and Family Welfare (AB2) Department dated 02.12.2016 on the basis of the petitioner's application dated 24.04.2023.

For Petitioner : Mr.K.Elango
for M/s.Krishna Law Associates

For Respondent : Mr.U.Baranidharan
Additional Government Pleader

ORDER

Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for the respondent and is armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The prayer of the petitioner is for a mandamus directing the sole respondent, Revenue District Officer of Guindy, Chennai to decide the petitioner's application dated 24.04.2023 for issuance of death certificate in respect of the petitioner's father, as per the amended Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 read with G.O.(Ms.)No.293, Health and Family Welfare (AB2) Department, dated 02.12.2016.

3. Mr.Baranidharan has written instructions from the respondent to the effect that the application has, indeed, been received on 21.09.2023 and has been forwarded to the Tahsildar, Guindy Taluk for the conduct of local enquiry. It has also been forwarded to the Zonal Officer, Zone 13, Corporation of Chennai for necessary certificates vide letter of the respondent in Lr.No.B1/4113/2024.

4. Reports from both the aforesaid authorities are awaited. The respondent has assured, under written instructions dated 30.07.2023, that

needful will be done in a timely fashion upon receipt of the reports for consideration of the application. This is recorded and this would suffice to address the prayer that has been raised in this Writ Petition.

5. In fact, the annexure to G.O.Ms.No.324 dated 28.06.2023 sets out the time limits within which various enquiries have to be conducted and the application itself, disposed. The milestones are as follows:

> *6. The Revenue Divisional Officer should scrutinize and ensure that the documents have been submitted by the applicant. After this initial scrutiny, the details should be sent to the concerned Village Administrative Officer (Revenue Inspector in case of Chennai District). The Village Administrative Officer should enquire and verify the genuineness of the event/documents and send the report to Revenue Inspector within two weeks, Revenue Inspector should send the report to Tahsildar within a week and Tahsildar should send the report to the Revenue Divisional Officer within 2 weeks.*
>
> *7. At the time of submitting application to the Revenue Divisional Officer, the petitioner shall be directed to publish the facts of the birth/death events in local edition of Regional papers and the time limit for receipt of objections shall be 30 days from the date of the publication. The proof of such publication should be submitted directly during Revenue Divisional Officer enquiry.*
>
> *8. Upon receipt of enquiry report from the Village Administrative Officer, the Revenue Divisional Officer shall summon the applicant and any other witnesses as required for enquiry and pass orders for registering the birth/death or reject the application, subject to his satisfaction. The Revenue Divisional Officer shall pass order within 60 days from the date of receipt of all the required documents by the applicant.*

6. In the present case, the written instructions from the respondent reveals that his office had received the application on 21.09.2023. Hence, the reports ought to have been sought from the Tahsildar and received within two weeks. It is unknown as to when the report was actually sought, as the dates of reference to the Tahsildar and the Corportion have not been indicated in the written instructions.

7. In any event, as on date, in July, 2024, the milestones that have been set out under annexure to the aforesaid G.O. have long gone and thus the respondent is seen to have exceeded the time limit as set out under the G.O.

8. Hence, mandamus is issued to the respondent to continue and complete the proceedings and dispose the application in accordance with law and in line with the principles of natural justice as expeditiously as possible, not beyond a period of six (6) weeks from today.

9. It is made clear that the petitioner will discharge his part of the burden in terms of publication as required under clause 7 of the annexure within the time frame mentioned therein.

10. This Writ Petition is disposed in the aforesaid terms. No costs.

31.07.2024

Index : Yes / No
Speaking order: Yes

Neutral citations:Yes
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To

The Revenue District Officer,
The Revenue District office,
Anna Salai, Guindy,
Chennai-600 032.

Dr.ANITA SUMANTH,J.

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W.P.No.21135 of 2024

31.07.2024