



W.P.No.21672 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.04.2024

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
W.P. No. 21672 of 2021

Panjali

...Petitioner

.Vs.

1. The Chairman,
Chennai Metro Water supply &
Sewerage Board (CMWSSB)
Chindaripet, Chennai – 600 002.

2. Zonal Health Officer,
Zone IX,
Greater Chennai Corporation,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai – 60034.

3. Manimegalai
No.38/A2, Block Ground Floor,
P.M.Dharga Llyods Salai,
Triplicane, Chennai - 600 005.
Chennai 601 201.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India



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to issue a Writ of Mandamus directing the second respondent to delete the 3rd respondent name in my husband late K.Krishnan's death certificate in spouse column and consequently enter my name in my husband late K.Krishnan's death certificate in spouse column based upon my representation dated 01.12.2020 and pass orders.

For Petitioner	: Mr.M. Pandian
For R1 and R2	: Mrs. K. Vasantha Mala
	Standing counsel
For R3	: Mr.R. Dilli Kumar

ORDER

This writ petition is filed seeking a writ of mandamus directing the second respondent to delete the 3rd respondent name in petitioner's husband late K.Krishnan's death certificate in spouse column and consequently enter petitioner's name in her husband late K.Krishnan's death certificate in spouse column based upon her representation dated 01.12.2020.

2. The case of the petitioner is that the husband of the petitioner



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worked as a field worker in the first respondent office and superannuated on 30.06.2013 and he had received the pension till his death. The grievance of the petitioner is that in the death certificate 3rd respondent name was included in the spouse column. The fact remains that the petitioner is the legally wedded wife of the said Krishnan. Hence, to delete the name of the 3rd respondent in the death certificate of the said Krishnan, the petitioner has filed this present petition.

3. The learned counsel for the petitioner submitted that the petitioner is the legally wedded wife of the said Krishnan and to establish the same, the petitioner has various documents such as Pension Payment Order, Legal heir Certificate, Aadhar Card, Voter ID, Family Card and Birth certificate. Further the petitioner had given representation to the second respondent on 15.10.2020 to delete the name of the third respondent in the death certificate of the said Krishnan. Hence, prays to allow this petition.

4. The learned Standing counsel appearing for the first and second respondents submitted that pertaining to the said issue, the Department of Public Health and Preventive Medicine had issued an order in



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R.No.3612995/SBHI-I/SI/2022 dated 18.02.2023, wherein it has been clearly stated that in the case of inclusion of name of two or more wives in the death certificate of the deceased legality cannot be decided by the Registrar, it could be decided by the Competent Civil Court. The Registrar may be instructed to direct the applicant to obtain an order from the concerned Court on the legality of the relationship with the deceased husband. In the said order it has been further stated that the entries in birth and death registers are public document and are admissible as evidence under the Indian Evidence Act. However, these entries are only conclusive evidence of the fact of birth or death as the case may be.

5. Heard both sides and perused the materials available on record.

6. In such view of the matter, the petitioner has to ventilate his grievance by filing a appropriate petition before the Competent Civil Court and after obtaining orders from the Civil proceedings she can approach the authorities concerned.



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7. For the reasons stated above, this Writ Petition is disposed of granting liberty to the petitioner to work out his remedy before the Competent Civil Court. No costs.

01.04.2024

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Index : Yes/No

Internet: Yes/No

To.

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V.BHAVANI SUBBAROYAN,J.



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