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W.P.No.30449 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.30449 of 2024
and W.M.P.No.33098 of 2024**

Senthamarai

... Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.
- 2.The Registrar of Births and Deaths,
Division:52A Zone:05,
Greater Chennai Corporation,
Chennai-600 003.
- 3.The Stanley Medical Hospital,
No.1, Old Jail Road,
Chennai-600 001.
-Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records to quash the order passed by the second respondent vide Ma.A.5/Po.Su.Du/Na.Ka/No.3020/2023/ dated 31.10.2023 and



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consequently, direct the respondents 1 and 2 to conduct fresh enquiry and rectify the errors in the Death Certificate with respect to the name of the petitioner (i.e.,) name of the wife of the deceased and the name of the father of the deceased.

For Petitioner : Mr.A.Ashwin Kumar

For Respondents : Mr.S.Gopinath
for R1 and R2

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent vide Ma.A.5/Po.Su.Du/Na.Ka/No.3020/2023/ dated 31.10.2023 and for a consequential direction to the respondents 1 and 2 to conduct fresh enquiry and rectify the errors in the Death Certificate with respect to the name of the petitioner (i.e.,) name of the wife of the deceased and the name of the father of the deceased.

2. The learned counsel appearing for the petitioner submits that the petitioner's husband died on 12.08.2022 in the third respondent Hospital and the Death Certificate was also issued, wherein, the petitioner noticed



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error in respect of her name and her father-in-law's name and therefore, the petitioner made a representation dated 02.11.2023 before the second respondent requesting to rectify the errors in the Death Certificate and since the same was not considered, the petitioner has filed W.P.No.35354 of 2023 before this Court to consider her representation and rectify the errors in the Death Certificate, however, it was dismissed on 30.07.2024 since the representation of the petitioner was already disposed of by the second respondent vide order dated 31.10.2023, which is under challenge in this petition, in and by which, the request of the petitioner was rejected. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the first and second respondents submits that for alteration of name in the Death Certificate, the petitioner has made a representation on 02.11.2023 before the second respondent and has also filed W.P.No.35354 of 2023 to consider the representation dated 02.11.2023 and rectify the errors in the Death Certificate and the representation of the petitioner was rejected, since there is



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a dispute between two individuals and both are claiming to be the wife of Udhayakumar and therefore, the petitioner was directed to approach the competent civil Court for redressal of her grievance, based on which, W.P.No.35354 of 2023 was also dismissed granting liberty to the petitioner to approach the competent civil Court, however, the petitioner has again approached this Court by way of the present writ petition challenging the rejection order passed by the second respondent in the representation made by the petitioner, which is impermissible.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. From the facts narrated above, it is clear that the petitioner has made a representation on 02.11.2023 before the second respondent to rectify the errors in the Death Certificate of one K.Udhayakumar and it was rejected vide impugned order dated 31.10.2023 on the ground that there is a dispute between two individuals and both are claiming to be the wife of



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Udhayakumar and therefore, the petitioner was directed to approach the competent civil Court for redressal of her grievance and therefore, W.P.No.35354 of 2023 filed by the petitioner to consider her representation dated 02.11.2023 was also dismissed by this Court on 30.07.2024 granting liberty to the petitioner to approach the competent civil Court. Instead of approaching the civil Court, again the petitioner has filed the present writ petition challenging the impugned order dated 31.10.2023 which is unjustifiable one, hence, the prayer sought for in the present writ petition cannot be granted by this Court. However, liberty is granted to the petitioner to work out her remedy in the manner known to law.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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To

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M.DHANDAPANI, J.

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