



WEB COPY



W.P.No.19534 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2024

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
W.P. No. 19534 of 2017

B. Kalaiyarasi

...Petitioner

.Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

2.M/s Right Hospital,
Represented by its Director,
No.1 Professor Subramaniam Street,
Kilpauk, Chennai-600 010.

3. J. Radhika

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to remove the name of “J.Radhika” and to incorporate petitioner's name, “B.Kalaiyarasi” in the column of the name of the wife in the Death Certificate of petitioner's deceased husband, P. Jayaseelan, who died on



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13.02.2017 at M/s Right Hospital, No.1 Professor Subramaniam Street,
Kilpauk, Chennai- 600 010.

For Petitioner	: Mr.A.R. Sakthivel
For Respondent-1	: Mrs.P.T.Ramadevi, Standing counsel
For Respondent-2	: Mr.M.Narayanaswamy
For Respondent-3	: Mr.Niranjan RajaGopalan for Mr. N. Rajan

ORDER

This writ petition is filed seeking a writ of mandamus directing the first respondent to remove the name of “J.Radhika and to incorporate petitioner's name, “B.Kalaiyarasi” in the column of the name of the wife in the Death Certificate of petitioner's deceased husband, P. Jayaseelan, who died on 13.02.2017

2. The case of the petitioner is that the petitioner married one P.Jayaseelan on 27.04.1995. Out of the said wedlock a son was born to them on 11.02.1996. The said P.Jayaseelan was suffering from severe physical ailments and he was admitted as an in-patient in Right Hospitals at Kilpauk at Chennai and he died on 13.02.2017. The grievance of the petitioner is that in the death certificate 3rd respondent name was included in the spouse



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column. The fact remains that the petitioner is the legally wedded wife of the said P.Jayaseelan. Hence, to delete the name of the 3rd respondent in the death certificate of the said P.Jayaseelan and incorporate the name of the petitioner in the spouse column, 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 P.Jayaseelan 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 first respondent on 09.05.2017 to delete the name of the third respondent in the death certificate of the said P.Jayaseelan. Hence, prays to allow this petition.

4.The learned Standing counsel appearing for the first respondent submitted that pertaining to the said issue, the Department of Public Health and Preventive Medicine had issued an order in R.No.3612995/SBHI-I/SI/2022 dated 18.02.2023, wherein it has been clearly stated that in the



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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.

7. For the reasons stated above, this Writ Petition is dismissed. No



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costs. However, the petitioner is at liberty to work out his remedy before the Competent Civil Court.

11.07.2024

smn

Index : Yes/No

Internet: Yes/No

To.

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V.BHAVANI SUBBAROYAN,J.
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