



W.P(MD)No.4368 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.4368 of 2024

and

W.M.P(MD)No.4192 of 2024

S.Sukirtha Kala

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Additional Registrar of Births & Deaths,
Tirunelveli District,
Tirunelveli.

3.The Registrar of Births & Deaths,
Tirunelveli Medical College Hospital,
Tirunelveli District.

4.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli District.

5.Tamilselvi

6.Thiruvalarselvi @ Selvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to cancel the death certificate No.D-2022:33-16187-001439 issued by the third respondent in favour of the respondents 5 and 6 respondents dated 14.07.2022 and 22.08.2022 respectively consequently direct the third respondent to restore the death certificate



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No.D-2022:33-16187-001439, dated 28.04.2022 issued showing the petitioner as the wife of her deceased husband Sivasamynathan.

For Petitioner : Mr.P.P.Alwin Balan
For RR 1 to 4 : Mr.S.Shanmugavel
Additional Government Pleader
For R – 5 : Mr.Aayiram K.Selvakumar
For R – 6 : No appearance

ORDER

This Writ Petition has been filed by the petitioner to cancel the death certificate issued by the third respondent in favour of the respondents 5 and 6 respondents dated 14.07.2022 and 22.08.2022 respectively and consequently direct the third respondent to restore the death certificate, dated 28.04.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner claiming to be the legally wedded wife of K.S.Sivasamynathan challenged the death certificates of her husband on the ground that it was in favour of the respondents 5 and 6. The respondents 5 and 6 are also claiming to be the legal heirs of the deceased Sivasamynathan, whereas the petitioner is



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also claiming to be the wife of K.S.Sivasamynathan and children along her mother-in-law.

4.It is not disputed that the said K.S.Sivasamynathan died on 08.04.2022. It was registered and the death certificate was issued by the third respondent. It does not matter that it was issued to whom. The death of K.S.Sivasamynathan was registered and issued a certificate. It is no way connected to the legal heirship of the deceased K.S.Sivasamynathan. Further, the fifth respondent herein filed a suit in O.S.No.127 of 2022 on the file of the Principal District Munsif Court, Ambasamudram for declaration to declare the plaintiffs and defendants 1 to 4 as legal heirs of the said K.S.Sivasamynathan. If at all any grievance, the petitioner can very well implead in the said suit and agitate the issue before the civil Court. Therefore, this Court finds no infirmity or illegality in the death certificate issued by the third respondent. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.



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5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

22.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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Tirunelveli.
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Tirunelveli District,
Tirunelveli.
- 3.The Registrar of Births & Deaths,
Tirunelveli Medical College Hospital,
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- 4.The Dean,
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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22.11.2024