



W.P(MD)No.3807 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3807 of 2024

Velankanni

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

3.The District Additional Birth/Death Registrar
& Deputy Director Welfare,
District Collectorate,
Virudhunagar – 626 001.

4.The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to furnish the relevant report on the strength of proceedings sent by the second respondent vide his proceedings in Na.Ka.No.H. 2/2484/2022 dated 17.11.2023 and on the basis of the same directing the second respondent to issue a death certificate in accordance with law within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Sheik Abdulla

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader
for R.1 & R.3

Mr.N.Dilip Kumar for R.2

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.4

ORDER

Heard both sides.

2.The petitioner's husband Kani was employed as lorry driver. He used to undertake long distance journeys. When he was on assignment to Jharkhand, he suffered a stroke. This happened on 02.08.2023. He was being brought back. He died en route near Melur. All that the petitioner wants is death certificate and nothing else. It is not in dispute that the



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petitioner is a permanent resident of Rajapalayam. The second respondent is the competent authority. In matters such as this, the authorities ought not to adopt any technical approach.

3.This Court heard the learned Government Advocate appearing for the Inspector of Police, South Police Station, Rajapalayam. The factum of death has been confirmed. The relevant report has also been made available. The learned counsel appearing for the petitioner draws my attention to the order dated 20.11.2023 made in W.P(MD)No.27413 of 2023. In the said case, I had held that the writ petitioner should not be denied relief on the technical ground as regards the place of death. When the factum of death is beyond dispute and the applicant is a permanent resident of a particular place, the jurisdictional authority ought to be directed to issue death certificate. I am inclined to adopt the very same approach in this case also.

4.The second respondent is directed to issue death certificate as sought for by the petitioner. This shall be done immediately and without any delay.



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5.This writ petition is allowed accordingly. There shall be no order as to costs.

20.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 22.02.2024.

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.
- 3.The District Additional Birth/Death Registrar
& Deputy Director Welfare,
District Collectorate,
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- 4.The Inspector of Police,
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G.R.SWAMINATHAN, J.

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