



WEB COPY



1

W.P.(MD)NO.4047 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4047 of 2024

Balamurugan

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation, Madurai.

2. The Inspector of Police,
C-2, Subramaniapuram police station,
Law and Order, Madurai City,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue non availability certificate regarding death of the petitioner's grandfather namely Late.S.Subbaiah Agali, S/o. Sannasi Agali who was died on 14.07.1995 based on the petitioner's representation dated 29.09.2021 within a time stipulated by this Court.

For Petitioner : Mr.L.Murugan

For R-1 : Mr.K.K.Kannan,
Standing counsel.

For R-2 : Mr.A.Albert James,
Government Advocate.

* * *

**ORDER**

WEB COPY

Heard both sides.

2. The petitioner wanted death certificate of his grandfather. He is said to have passed away on 14.07.1995. As per the Registration of Births and Deaths (Amendment) Act, 2023, one has to register the death within thirty days after the occurrence. If that is not done, one has to make such an application before the Sub Divisional Magistrate. One must get non availability certificate from the local body. The petitioner therefore applied to the local body for non availability certificate. The first respondent wrote to the Commissioner of Police, Madurai City. The petitioner was informed that without getting suitable report from the jurisdictional police, the certificate sought for cannot be issued. Hence, the present writ petition came to be filed.

3. I am satisfied that in this case, input from the jurisdictional police was not necessary. The only duty of the local body was to inform the petitioner if the registration of death had been registered or not. If the death as claimed by the petitioner was not registered, the local body has to issue non availability certificate. Based on the same, Sub Divisional Magistrate would be approached by the applicant. The Sub Divisional



Magistrate will conduct enquiry and the factum of death will be confirmed. At this stage, the Corporation need not seek confirmation regarding death from the police. The scope of enquiry is limited. If the death of the petitioner's grandfather had not been registered, non availability certificate shall be issued by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs.

04.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Commissioner,
Madurai Corporation, Madurai.
2. The Inspector of Police,
C-2, Subramaniapuram police station,
Law and Order, Madurai City, Madurai.



WEB COPY



4

W.P.(MD)NO.4047 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.4047 of 2024

04.03.2024