



W.P(MD)No.3720 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.3720 of 2023

and

W.M.P(MD)Nos.3504 & 3507 of 2023

V.Prakash

... Petitioner

Vs

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.M.Alagappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Mu.Mu.Aa2/3694/2021, dated 23.09.2022 and quash the same and consequently, direct the first respondent to issue a Death Certificate of Suba.Alagappan, based on the petitioner's application, dated 02.07.2021.

For Petitioner : Mr.T.Veerakumar

For R – 1 : Mr.D.Gandhi Raj
Special Government Pleader

For R - 2 : Mr.R.Sundar Srinivasan



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ORDER

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This Writ Petition has been filed challenging the order passed by the first respondent dated 23.09.2022 thereby rejecting the request made by the petitioner seeking Death Certificate of the petitioner's great great grandfather, namely Suba.Alagappan.

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

3.The petitioner is a great great grandson of the said Suba.Alagappan. He had no male issue and gave birth to one female child namely Karuppayee. She got married one Karuppiah and gave birth to one Alamelu. While being so, the said Suba.Alagappan had executed a registered Will vide Document No.42 of 1945, dated 10.12.1945 in respect of the property owned by him in favour of the said Alamelu. The said Alamelu got married one Shanmugam and gave birth to two sons namely Veerappan and Ganesh. The said Veerappan gave birth to the petitioner and another son-Rajesh. Now, the petitioner had applied for Death Certificate for the said Suba.Alagappan on 02.07.2021 before the first respondent. The



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first respondent conducted a detailed enquiry and rejected the application submitted by the petitioner on the ground that the petitioner failed to produce any evidence to show that his great great grandfather died on 22.10.1954. Further, in the petitioner's grandmother's legal heirship certificate ie., Alamelu, her husband's name was mentioned as Ganesh and in another certificate, it was mentioned as Shanmugam. Therefore, the request made by the petitioner was rejected by an order dated 23.09.2022.

4.The learned counsel appearing for the petitioner would submit that admittedly the petitioner sought the Death Certificate of the petitioner's great great grandfather Suba.Alagappan, as per Rule 9(3) of the Tamil Nadu Registration of Birth and Death Rules, 2000 (hereinafter referred to as 'the Act, 2000'). The first respondent is the competent authority to issue a Death Certificate as per the Judgment of the Hon'ble Division Bench of this Court in ***P.Duraisamy Vs. State represented by the Secretary to Government and others*** reported in ***2017 (3) CTC 23***. The petitioner got information about the date of death of his great great grandfather as on 22.10.1954 and mentioned the date of his death in the application. The second respondent, who is also claiming to



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be the legal heir of the adopted son of the said Suba.Alagappan, objected to the issuance of a Death Certificate. Based on the Will which was executed by Suba.Alagappan in favour of the petitioner's grandmother registered vide Document No.42 of 1945 dated 10.12.1945, the petitioner has claimed title over the property owned by the said Suba.Alagappan.

5.Though Rule 9(3) of the Act, 2000 permits the petitioner to apply for Death Certificate, if the death of the person has not been registered within one year, the first respondent has the power to issue a Death Certificate, but the petitioner failed to prove the date of death of his great great grandfather Suba.Alagappan as 22.10.1954. Insofar as other grounds for rejection are concerned, the petitioner's grandmother Alamelu got married one Shanmugam and after her demise, the legal heirship certificate was wrongly issued as Alamelu's husband is Ganesh. Actually, the said Ganesh and the petitioner's father Veerappan are sons of Alamelu. Subsequently, it was corrected and a fresh legal heirship certificate of the deceased Alamelu was issued.



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6.Though this Court specifically posed a question to the learned counsel appearing for the petitioner as to from whom the petitioner ascertained the date of death of his great great grandfather as 22.10.1954, the learned counsel is unable to answer and submitted that the said information was obtained from the family members of the petitioner. Even assuming that the petitioner's great great grandfather died on 22.10.1954, on the date of his demise, the petitioner's family members were not alive on that date. In fact, the petitioner's grandmother, namely Alamelu died on 02.06.2018. Therefore, there is absolutely no record to show that the said Suba.Alagappan died on 22.10.1954. The petitioner was also not able to produce any piece of evidence to prove the said effect.

7.In view of the above, the request made by the petitioner was rightly rejected by the first respondent and this Court finds no infirmity or illegality in the order passed by the first respondent. The Writ Petition itself is devoid of merits and the same is liable to be dismissed.



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8. Accordingly, this Writ Petition is dismissed. It is made clear that there is no quarrel over the fact that the said Suba. Alagappan died and he is not alive now. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

13.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

The Revenue Divisional Officer,
Devakottai,
Sivagangai District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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