



W.P(MD)No.6928 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.6928 of 2019

K.Malliga

... Petitioner

Vs

- 1.The Chief Registrar of Birth and Death/
Director of Public Health and Preventive Medicine,
64/75, Main Road,
Chokkalingam Nagar,
Teynampet, Chennai – 600 086.
- 2.The District Registrar of Birth and Death/
District Revenue Officer,
Virudhunagar District, Virudhunagar.
- 3.The Registrar of Birth and Death,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.
- 4.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the fourth respondent vide Na.Ka.No.5135/2018/H1 dated 16.08.2018, Na.Ka.No.7030/2018/H.1 dated 26.09.2018 and the consequential order vide Na.Ka.No.7831/2018/H2 dated 26.12.2018 passed by the fourth respondent and quash the same and consequently direct



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the respondents to make correction of the entry in the death registrar in respect of father of Mrs.Krishnammal as Vellaiappan Thevar instead of Marimuthu Thevar and issue death certificate accordingly.

For Petitioner : Mr.d.Shanmugaraja Sethupathi

For RR 1 to 3 : Mr.N.Ramesh Arumugam
Government Advocate

For R – 4 : Mr.P.Srinivas

ORDER

This Writ Petition has been filed by the petitioner challenging the orders passed by the fourth respondent dated 16.08.2018, 26.09.2018 and 26.12.2018, thereby rejecting the request made by the petitioner to make correction of the entry in the death register in respect of the father of Krishnammal as Vellaiappa Thevar.

2.One Krishnammal, D/o.Vellaiappa Thevar executed a Will dated 16.12.2010 in respect of the immovable property in favour of the petitioner registered vide Document No.41 of 2015, dated 16.12.2010. The said Krishnammal was residing with the petitioner and had executed the Will. She died on 09.11.2011. Her



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death was registered by wrongly mentioning her father's name as Marimuthu Thevar instead of Vellaiappa Thevar. Therefore, the petitioner submitted representations before the fourth respondent to correct the error. It was rejected on the ground that after conducting an enquiry with the person, namely Subramani, who had given information to register the death of the said Krishnammal, stated that he did not want to make any correction in the death certificate of Krishnammal by correcting her father's name.

3.The learned counsel appearing for the petitioner would submit that the fourth respondent has got power to correct the Birth or Death Certificate under Section 15 of the Registration of Births and Deaths Act, 1969 (in short hereinafter referred to as 'the Act, 1969'). Further, Section 21 of the Act, 1969 contemplates enquiry. Therefore, the third respondent can conduct an enquiry for the issuance of Birth or Death Certificates. Without even conducting any enquiry, mechanically rejected the requests made by the petitioner for correction in the death certificate of Krishnammal.



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4. On perusal of the counter-affidavit filed by the fourth respondent and on the submissions made by the learned counsel appearing for the fourth respondent would reveal that the petitioner submitted representations to correct the father's name of Krishnammal as Vellaiappa Thevar instead of Marimuthu Thevar on the strength of the Will, dated 16.12.2010 registered vide Document No.41 of 2010. Except the Will, the petitioner failed to produce any piece of evidence to show that the said Krishnammal's father's name is Vellaiappa Thevar. Further, the death of the said Krishnammal was registered on 18.01.2012 itself. She died in the year 2011. The information was furnished to the registering authority by one Subramani who is none other than the brother's son of the deceased. After a period of 7 years from the date of death of the said Krishnammal as well as registration of her death certificate ie., on 18.01.2012, the petitioner submitted representations to correct the father's name of the deceased Krishnammal. That apart, the petitioner is residing within the jurisdiction of Vilathikulam Taluk. The Will dated 16.12.2010 was registered within the jurisdiction of Sub-Registrar Office, Thiruthangal. The deceased Krishnammal was residing at Srivilliputhur. Therefore, the address mentioned by the petitioner itself is not correlated with the Will and also the residence of the



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deceased Krishnammal. Further, the petitioner also failed to prove that what is the relationship between the petitioner and the deceased Krishnammal. In fact, on enquiry, the person, who gave information to register the death of Krishnammal, appeared and categorically submitted that he did not want to make any correction in the death certificate of Krishnammal, who is none other than her own brother's son of the deceased. It is true that the Registering Authority of Births and Deaths can very well make a correction or cancellation of entry in the Register of Births and Deaths under Section 15 of the Act, 1969. It is relevant to extract the provision hereunder:

'15. Correction or cancellation of entry in the register of births and deaths.—If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.'



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5.It starts with 'if it is proved to the satisfaction of the Registrar'. Therefore, when the petitioner made an application to correct the father's name of the deceased Krishnammal in the death certificate, she ought to have proved the correction to be made in the death certificate. Admittedly, the petitioner did not produce any piece of evidence to show that the deceased Krishnammal's father's name is Vellaiappa Thevar. Therefore, the requests made by the petitioner were rightly rejected by the fourth respondent. Further, under Chapter V Section 20 of the Act, 1959 contemplates as to the Registration of Births and Deaths of Citizens outside India. Section 21 of the Act, 1959 says about information regarding Birth or Death by the Registrar. If any application is made for registration of Births and Deaths of Citizens outside India, the Registrar can obtain information by conducting enquiry. Therefore, the provision under Section 21 of the Act, 1969 can be read in consonance with Section 20 of the Act, 1969. The provision under Section 21 of the Act, 1969 cannot be read in isolation and the enquiry provided under Section 21 of the Act, 1969 is applicable, when the application is made to register the Births or Deaths of citizens to reside outside India. That apart, if the applicant applied for making correction in the Birth or Death Certificate, the applicant shall substantiate the



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reasons to make correction in the Birth or Death Certificate with appropriate material evidence. In the case on hand, admittedly, the petitioner failed to produce any piece of evidence to substantiate the correction to be made in the Death Certificate of Krishnammal by changing her father's name. Therefore, the above provision under Section 21 of the Act, 1969 is not applicable to the case on hand. The requests made by the petitioner were rightly rejected by the fourth respondent dated 16.08.2018, 26.09.2018 and 26.12.2018. This Court finds no infirmity or illegality in the orders passed by the fourth respondent dated 16.08.2018, 26.09.2018 and 26.12.2018. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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