



W.P.(MD)No.26822 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26822 of 2024

Bousin Nisha

... Petitioner

Vs.

The Commissioner,
Madurai City Municipal Corporation,
Madurai City.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue a non availability certificate for the death of the petitioner's mother Varsh Linganna Eppewar without further delay in accordance with Section 17 of the Registration of Births and Deaths Act, 1969.

For Petitioner	: Mr.T.Xavier Devsahayam
For Respondent	: Mr.P.Anbunithi
	Standing Counsel

ORDER

Mr.P.Anbunithi, learned Standing Counsel takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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2.The prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the respondent to issue an non availability certificate for the death of the petitioner's mother Varsha Linganna Eppewar without further delay in accordance with Section 17 of the Registration of Births and Deaths Act, 1969."

3.The petitioner's mother one Varsha Linganna Eppewar passed away on 28.12.2019 in Madurai, while she was in a pilgrimage along with 60 other members including the petitioner. Later she was cremated at Trichy. For the purpose of seeking death certificate for his mother, the petitioner approached the Revenue Divisional Officer, Madurai. Following which, she was required by the Madurai Corporation by communication dated 03.07.2023, to produce certain documents for issuing non availability certificate as to facilitate the petitioner to apply for death certificate of his mother.

4.The learned Standing Counsel for the respondent upon instructions would submit that they can very well issue the non availability certificate, provided the petitioner furnishing the documents required in the official communication dated 03.07.2023.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondent and



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carefully perused the entire materials available on record.

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6.In view of the same, giving opportunity to the petitioner to submit the specific application form for issuance of non availability certificate along with required documents, the respondent is directed to issue non availability certificate within a period of four weeks from the date of receipt of application from the petitioner.

7.It is brought to the notice of this Court by the learned counsel for the petitioner that the petitioner's mother team did not stay anywhere at Madurai and it was while when the said team was moving from Ramanathapuram to Madurai, she collapsed in Madurai Railway Station. The residential address sought for in letter dated 03.07.2023, by the respondent in serial no.4 cannot be submitted.

8.In view of the above submission, the respondent is directed to dispense with the document required in terms of serial no.4 in letter dated 03.07.2023.



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9. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

The Commissioner,
Madurai City Municipal Corporation,
Madurai City.



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L.VICTORIA GOWRI, J.

Mrn

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