



W.P.No.4414 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4414 of 2025

S.P.Kannan

.. Petitioner

Versus

1. The District Collector,
Salem District,
Salem - 636 001.

2. The Municipal Corporation,
Elampillai Town Panchyath Office,
Kakapalayam main road,
Elampillai - 637 502,
Salem District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondent Nos.1 and 2 to conduct an inquiry and issue a death certificate for the petitioner's father, M.Palaniyappan @ Palanisamy, who passed away on October 2, 2024.

For Petitioner : Mr.M.Ashok



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For Respondents : Mr.K.Suresh,
Government Advocate for R1

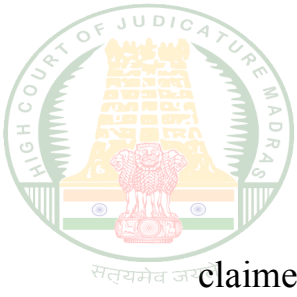
: Mr.C.Selvaraj,
Additional Government Pleader,
for R2

ORDER

This Writ Petition is filed directing the respondents to conduct an enquiry and issue a death certificate for the petitioner's father, M.Palaniyappan @ Palanisamy, who passed away on 02.10.2024.

2. When the matter is taken up for hearing, *Mr.C.Selvaraj*, learned Additional Government Pleader for the second respondent would submit that a third party objected to the petition on the ground that the entry relating to the father's name of the deceased as Marimuthu Gounder, is incorrect. Therefore, an enquiry is being conducted in that regard.

3. When the deceased person namely, M.Palaniyappan @ Palanisamy



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claimed himself to be the son of Marimuthu Gounder and all his records including Aadhar Card, are standing in the said name, while issuing the death certificate, after the death of the person, such a kind of enquiry cannot be undertaken. If any person is aggrieved of any rights relating to the property or otherwise, they can approach the Civil Court. The authority issuing the death certificate has to simply ensure that the person was living in the said address and he passed away and then, issue certificate and there is no dispute about the name of the person died. The father's name and other things entered into the certificate would not be conclusive proof for the said relationship and therefore, the third parties need not be aggrieved by the same. If at all they want to claim that the said *M.Palaniyappan @ Palanisamy* is not the son of *Marimuthu Gounder*, it will be open for them to claim so before the appropriate forum and therefore, the second respondent is directed to issue death certificate within a period of one week from the date of receipt/production of a web-copy of this order without waiting for a certified copy of this order.



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

10.02.2025

Neutral Citation : no
grs

To

1. The District Collector,
Salem District,
Salem - 636 001.
2. The Municipal Corporation,
Elampillai Town Panchyath Office,
Kakapalayam main road,
Elampillai - 637 502,
Salem District.

D.BHARATHA CHAKRAVARTHY, J.

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