



W.P.No.9910 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.9910 of 2025

Mahendrarvarman
S/o Sivasankaran
77, Big Street,
Karnampattu Village,
Katpadi, Vellore 632 519.

.. Petitioner

/versus/

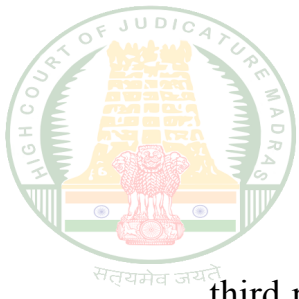
1.The District Collector,
Collectorate of Vellore,
Vellore District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sathuvachari, Vellore.

3.The Tahsildar,
Katpadi Taluk,
Katpadi, Vellore.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider the petitioner's application dated 01.03.2024 to further direct the



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third respondent to issue Death Certificate of the petitioner's paternal Great Grandfather Mr.Ramalingam, S/o Peruma Gounder, who passed away on 21.11.1965.

For Petitioner :Ms.A.Pavithra Priyadarshini

For Respondents :Dr.S.Suriya, AGP for R1 to R3

ORDER

The prayer in the present writ petition is to direct the second respondent to consider the petitioners application dated 01.03.2024 and further to direct the third respondent to issue death certificate of the petitioner's paternal grandfatherMr.Ramalingam, S/o Mr.Peruma Gounder, who passed away on 21.11.1965. In this regard, the petitioner's paternal grandfather passed away even before the commencement of the Registration of Births and Deaths Act, 1969 which came into force with effect from 01.10.1970.

2. The legal position in this regard was considered by this court in W.P.No.9906 of 2025 and the relevant portion is extracted thereunder:-

“5.As rightly contended by the learned counsel



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appearing for the petitioner, it can be seen that originally, births and deaths, as far as Tamil Nadu is concerned, was governed by Tamil Nadu Act No.III of 1899, namely, the Tamil Nadu Registration of Births and Deaths Act, 1899. Even as per the same, the registers have to be kept in the prescribed form and the information relating to death has to be registered as per Section 10 of the said Act. As per Section 17 of the said Act, if there is any omission to give information, a penalty is provided and upon filing of proof, the penalty will be imposed and the death will be registered. The said Act, was repealed by the Central Act, namely the Registration of Births and Deaths Act, 1969 (Act No.18/1969). As per Section 1(3), the same came into force with effect from 01.10.1970. It is essential to extract Section 31 of the said Act, which states as follows:-

“31. Repeal and saving.—

(1) Subject to the provisions of Section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters covered by this Act shall stand repealed in such State or part, as the case may be.

(2) Notwithstanding such repeal, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.”



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6. Already, this Court considering a similar circumstance in *Abdul Majeed vs. the Revenue Divisional Officer, Devakottai, Sivagangai District*, in *W.P. (MD) No.6943 of 2024*, dated 25.03.2024, has held that in paragraph No.6, even before the Act, there was a system of registering the births and deaths prior to 1969 also and therefore if there is any proof even with reference to the deaths prior to 1969, the authorities can enquire and register the same. Taking that, as the position, when this Court went through the material records of the case, except for the petitioner's statement that the petitioner had a great grandfather by name, Peruma Gounder and that he passed away on 22.03.1933, there is no other evidence, that is mentioned. Even a specific quarry by this Court, the learned counsel for the petitioner is not able to point out that they have no any other documentary evidence. There cannot be any oral evidence at this point of time."

3. Taking the said legal position, in this case, the learned counsel submits that the petitioner had a written proof in the form of notice/card, that is printed for the 16th day ceremony of the deceased person.

4. On a perusal of the same, prima facie for this Court it appears as if it is a computer generated print out. Anyhow, the learned counsel appearing



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for the petitioner submits that it is not so on and they will produce the original before the respondents. It is for the second respondent to take a call with reference to the veracity of the same. As laid down above, if the petitioner is able to provide some proof for the date of the death of the person, then the enquiry can be carried out and then, the entry can be directed to be made and certificate can be issued and if the petitioner could not produce any proof in respect thereof, orders cannot be passed in that regard. With the aforesaid observation, the respondent No.2 is directed to complete the enquiry on the application of the petitioner dated 01.03.2024, within a period of 12 weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

25.03.2025

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Neutral citation:no

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D.BHARATHA CHAKRAVARTHY,J.

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