IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.9906 of 2025

Mahendravarman
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 third respondent to issue Death Certificate of the petitioner's paternal Great Grandfather Mr.Peruma Gounder, S/o Kozhanthai Gounder, who passed away on 22.03.1933.

For Petitioner :Ms.A.Pavithra Priyadarshini
For Respondents :Dr.S.Suriya, AGP for R1 to R3

ORDER

The prayer of the petitioner in this writ petition is to direct the second respondent to consider the petitioner's application dated 01.03.2024 and further to direct the third respondent to issue death certificate of the petitioner's paternal great grandfather Mr.Peruma Gounder, S/o Kozhanthai Gounder, who passed away on 22.03.1933.

2. Ms.A.Pavithra Priyadarshini, learned counsel appearing for the petitioner would submit that even though the Central Act, namely the Registration of Births and Deaths Act, 1969, came into force with effect from 01.10.1970, even prior to that, as far as the Registration of Births and Deaths in Tamil Nadu is concerned, the same was governed by the Tamil Nadu Act No.III of 1899, namely, the Tamil Nadu Registration of Births

and Deaths Act, 1899. By the Central Act, the express provision is made in Section 31 to repeal all the State enactments. However, the actions that are taken etc., are saved. In that view of the matter, any right, which is accrued to the petitioner, will also stand saved. If the death is not reported under the Tamil Nadu Act in the year 1933, by following the procedure, which is now laid down in the Central Act, the petitioner can still establish the date of death and upon which, in the manner known to law and as laid down in the Rules, the respondents can record the death and issue death certificate. The learned counsel would rely upon the the judgement of the Madurai Bench of this Court in W.P.(MD)No.13533 of 2024 dated 26.06.2024 in *Shanthi vs the Revenue Divisional Officer, O/o the Revenue Divisional officer, Illuppur, Pudukottai District.*

3. Per contra, Dr.Surya, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that at this belated point of time, it would not be possible for the respondents to decide upon the existence of such person, the death of such person, etc. Therefore the writ

petition cannot be ordered.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. As rightly contended by the learned counsel 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."

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 query 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.

7. In view thereof, the prayer in the Writ Petition cannot be countenanced. Hence, the writ petition stands dismissed. No costs.

25.03.2025

ari
Neutral citation:yes

To
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.

D.BHARATHA CHAKRAVARTHY,J.

ari

W.P.No.9906 of 2025

25.03.2025