



W.P.No.10039 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

W.P.No.10039 of 2025

K.Elumali, Male aged 64 years,
S/o Kasi reddy,
No.8, Edur Madura Kumbulli Village,
Gummidipoondi,
Thiruvallur 601 201.

.. Petitioner

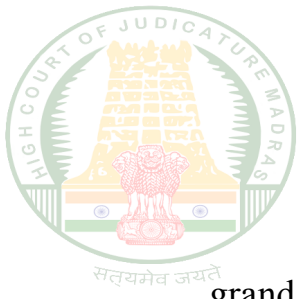
/versus/

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
O/o the Sub Collector Office,
Ponneri, Thiruvallur District.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.En.CLREV-COLR/45957/2024-C1, dated 05.11.2024 and quash the same and consequently, directing the second respondent to register the death certificate of the petitioner's great



W.P.No.10039 of 2025

grand father Valasugundu Reddy, S/o Subburaya Reddy, who died on 20.09.1966 and issue death certificate to the petitioner.

For Petitioner :Mr.S.Senthilvel

For Respondents :Mr.R.Murthi, GA for R1 and R2

ORDER

The writ petition is filed challenging the order of the second respondent dated 05.11.2024. By the said impugned order, the second respondent rejected the application of the petitioner to record the death of one Valasugundu Reddy, which took place on 20.09.1966.

2. The case of the petitioner is that the said Valasugundu Reddy is the great grand father of the petitioner. However, he died on 20.09.1966. The entry of the said death was not reported. Therefore, he made a present application, which is now rejected by direction to approach the Court of law.



W.P.No.10039 of 2025

WEB COPY

3. The law relating to the Registration of Births and Deaths, which happened prior to coming into force of the present Act, namely the Registration of Births and Deaths Act, 1969, is summed up by this Court in W.P.No.9906 of 2025, dated 25.03.2025. The same is reproduced by this Court for ready reference:-

“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



WEB COPY



W.P.No.10039 of 2025

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 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.



W.P.No.10039 of 2025

WEB COPY

4. In view thereof, when the Rules framed under the present Act, enables the petitioner to approach the second respondent to report any death, in respect of the deaths, which happened prior to 01.10.1970 also, the petitioner can approach the second respondent. The only requisite is that the petitioner should produce such proof for the same, in view of the fact that the death is supposed to happen a long back, that is on 20.09.1966. The learned counsel for the petitioner submits that the petitioner has got several proofs in the form of the property documents, voter identity card etc., which he will produce at the time of enquiry.

5. In view thereof, this Writ Petition is allowed on the following terms:-

(i) The impugned order dated 05.11.2024 stands set aside.

(ii) The matter is remitted back to the second respondent to consider the application of the petitioner for registering the death of Valasugundu Reddy, in accordance with the Tamil Nadu Registration of Births and Deaths Rules, 2000, provided the petitioner is able to produce such proof



W.P.No.10039 of 2025

WEB COPY

and satisfy the second respondent as to the existence of the person, the death etc. The second respondent shall complete the exercise 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. No costs.

25.03.2025

Neutral citation: no
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To

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Revenue Divisional Officer,
O/o the Sub Collector Office,
Ponneri, Thiruvallur District.



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W.P.No.10039 of 2025

D.BHARATHA CHAKRAVARTHY,J.

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W.P.No.10039 of 2025

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