



W.P.No.9044 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 17.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9044 of 2025
& W.M.P.No.10148 of 2025

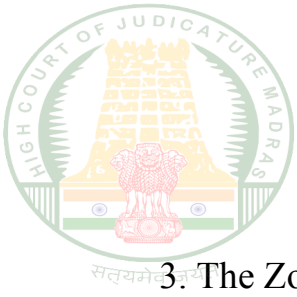
J.Rekha,
D/o. Late A.Jaishankar,
No.6, 2nd Street,
Velayudam Colony,
Saligramam,
Chennai-600093.
Temporarily at:
New No.21/3,
Old No.25/3, 1st Floor,
Subbu Street,
Park Town, Chennai-600 005.

... Petitioner

/versus/

1. The Joint District Registrar of Birth and Death,
Greater Chennai District Zone,
No.359, Anna Salai, DMS Campus,
Teynampet,
Chennai-600 006.

2. The Registrar of Birth & Death,
Division No. 101, Thiruvottiur Zone 01,
Greater Chennai Corporation,
Thiruvottiur-600019.



W.P.No.9044 of 2025

3. The Zonal Health Officer,
Division No. 101, Thiruvottiyur Zone 01,
Greater Chennai Corporation Zone 1,
No. 945A, Thiruvottiyur High Road,
Sathya Moorthy Nagar, Rajakadai, Tiruvottiyur,
Chennai,
Tamil Nadu 600019.

4. The Sanitary Inspector,
Division No. 101, Thiruvottiyur Zone 01,
Greater Chennai Corporation Zone 1,
No. 945A, Thiruvottiyur High Road,
Sathya Moorthy Nagar, Rajakadai, Tiruvottiyur,
Chennai,
Tamil Nadu 600019.

5. Leelawathy,
D/o. S.Srinivasan
56/21, Golden Avenue,
2nd Street,
Sadayankuppam,
Tiruvottiyur,
Chennai-600019.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, Writ of Certiorarified Mandamus, to call for the records in respect of the impugned death certificate bearing number D57946549868275992/2025 vide registration No.D-2024 33-213330-000104 dated 01.02.2025 issued by the 2nd respondent to quash the said certificate issued without any enquiry to direct the respondents 1 to 4 to conduct enquiry by providing an opportunity of personal hearing to the petitioner.



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W.P.No.9044 of 2025

For Petitioner : Mr.C.S.Dhanasekaran,
for Mr.G.S.Vivekanandan

For Respondents : Mr.R.Sasikumar,
Government Advocate, for R1

: Mr.G.T.Subramanian, Standing Counsel,
for Chennai Corporation, (R2 To R4)

ORDER

This writ petition is filed challenging the impugned death certificate dated 01.02.2025. The petitioner's father A.Jaishankar died on 21/11/2024. It is the case of the petitioner that the petitioner is the daughter of the said A.Jaishankar. Thiru.A.Jaishankar was originally married to the petitioner's mother J.Sasikala. They got separated only by a decree of divorce dated 06.08.2014. While so, one Leelawathy, the 5th respondent herein claims that she is a legally wedded wife and her name was originally shown in the death certificate. The petitioner made a representation that when the Leelawathy claims to have married the petitioner's father in the year 2006, the marriage between the petitioner's mother and the petitioner's father A.Jaishankar was still subsisting and therefore, she was only claiming right under a void marriage and therefore, her name should not have been included in the column of the wife's name of the deceased. Pursuant

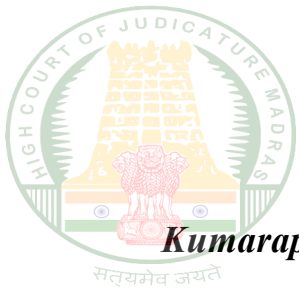


W.P.No.9044 of 2025

to the representation they also removed. However, once again it seems that on the representation of the 5th respondent, they have again included the name of the 5th respondent, therefore, the petitioner is before this Court.

2. I heard Mr.C.S.Dhanasekaran, learned counsel appearing on behalf of petitioner and Mr.G.T.Subramanian, Learned Standing Counsel appearing for the Corporation.

3. In view of the nature of the disposal that is made, the writ petition is disposed of at the admission stage itself, without notice to the 5th respondent. The death certificate, is issued by the Corporation on the basis of the representation of the parties. When there is a dispute between the parties, the Corporation is not the authority to declare the status of a valid marriage or a void marriage etc. It is for the parties to approach the appropriate Civil Court/Family Court to get a declaration of the status. A mere mentioning of the name in the death certificate or the legal heirship certificate by itself would not amount to the legal heirship status or the share in the property etc. It is not a conclusive proof for the same. The Full Bench of this Court in ***P.Venkatachalam v.The Tahsildar***



W.P.No.9044 of 2025

Kumarapalayam Taluk Namakkal District reported in 2022 SCC Online Mad

WEB 3923, has already held so in respect of legal heirship certificate and it has been now issued only as a relationship certificate and not a conclusive proof as to who are the legal heirs of the person or who are entitled for the share of the property inheritance etc.

4. In view thereof, reserving the rights of the petitioner as well as the 5th respondent to contest above the legal status of the marriage or the legal heirship certificate, this writ petition is disposed of only by holding that the Corporation will not be an authority to hold into a detailed enquiry with reference to the same and it is not necessary for this Court to interfere in the death certificate merely because the name is entered into.

5. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

17.03.2025

Neutral Citation : No.
bsm

Page 5 of 7



W.P.No.9044 of 2025

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5. The Government Pleader, High Court, Madras.



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W.P.No.9044 of 2025

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bsm

W.P.No.9044 of 2025

17.03.2025

Page 7 of 7