



Writ Petition No.15599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.15599 of 2025

M.Govindammal
W/o.Late S.Yugarajan

Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation Rippon
Building, Chennai 600 003.

2.The Zonal Health Officer,
Zone 5, Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai -600 021.

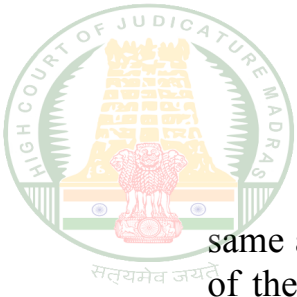
3.The Assistant Zonal Commissioner,
Greater Chennai Corporation,
Birth And Death Division,
Tondiarpet, Chennai - 600 081.

4.Y.Saravana Senthil Murugan,
S/o.Late S.Yugarajan

5.Y.Siva Ganapathy,
S/o.Late S.Yugarajan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the letter /order of the second respondent in Ma.Aa.5.Su.Thu.Na.Ka.No.1956/2024 dated 02/08/2024 and quash the



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same and consequently, direct the second respondent to correct the entry of the Death Certificate in Column No.8- "Name of the Wife/Husband" by incorporating the name of the petitioner viz., Govindammal in the place of N.Devaki.

For Petitioner : Ms.A.B.Reehana Begum

For Respondents : Mr.S.Gopinath, Standing Counsel [R1 to R3]
Mr.R.Srinath [R4 & R5]

ORDER

This writ petition has been filed challenging the impugned communication dated 02.08.2024 sent by the second respondent and for a consequential direction to the second respondent to correct the entry in Column No.8 of the death certificate by incorporating the name of the petitioner in the place of one N.Devaki.

2. Heard Ms.A.B.Reehana Begum, learned counsel for petitioner, Mr.S.Gopinath, learned Standing Counsel appearing for respondents 1 to 3 and Mr.R.Srinath, learned counsel appearing for respondents 4 and 5.

3. The specific case of the petitioner is that she was married to one Yugarajan in the year 1970 and two daughters were born through the said wedlock. While so, the petitioner's husband seems to have married

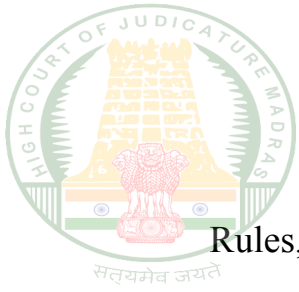


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one N.Devaki and continued to live with her and two sons were born out of the alleged marriage. The petitioner's husband died on 28.10.2023.

While granting the death certificate, the name of the said N.Devaki was mentioned in Column No.8 by recognizing her as the wife of late Yugarajan. The petitioner was aggrieved by the same. The alleged second marriage has taken place during the subsistence of the first marriage. Hence, the name of the said N.Devaki ought not to have been entered in the death certificate. The representation made by the petitioner in this regard was not considered by the second respondent and through the impugned communication dated 02.08.2024, the request made by the petitioner came to be rejected. Aggrieved by the same, the present writ petition has been filed before this Court.

4. It will be relevant to take note of Section 15 of the Registration of Births and Deaths Act, 1969 read along with Rule 11 of Tamil Nadu Registration of Births and Deaths Rules, 2000. On a careful reading of both these provisions, it is seen that the correction or cancellation of an entry can be made by the Registrar of Births and Deaths where such entry has been made erroneously or fraudulently or improperly. Rule 11(6) of Tamil Nadu Registration of Births and Deaths



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Rules, 2000, provides that where such entry has been made fraudulently or improperly, the Registrar can submit a report giving necessary details to the officer authorised by the Chief Registrar in this behalf under Section 25 of the Registration of Births and Deaths Act, 1969 and necessary action can be taken under Section 25 of the Act.

5. The petitioner has come up with a very specific case that the name of the said N.Devaki has been improperly added in the death certificate by recognizing her as the wife when the first marriage was in subsistence. Obviously, this issue can be gone into by the Registrar and on enquiry, if it is found that such entry has been made improperly, further course of action can always be initiated as provided under the Act and Rules. It is not as if the Registrar is powerless to deal with a issue of this nature.

6. In the light of the above discussion, the impugned communication made by the second respondent dated 02/08/2024 is hereby quashed. There shall be a direction to the second respondent to conduct enquiry by giving opportunity to the petitioner and respondents 4 and 5, who are the sons of late N.Devaki, who died on 05.08.2024 and



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a final decision shall be taken within a period of six (6) weeks from the date of receipt of a copy of this order.

This writ petition is allowed with the above direction. No costs.

02.06.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

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N.ANAND VENKATESH, J



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