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W.P No. 21762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21762 of 2025

S.Rangasamy
S/o Chinnamalla Nayakkar, Residing At
31, Pillaiyar Kovil Street, Oorthur, Periya
Koiveri Village, Gobichettipalayam
Taluk, Erode District

... Petitioner

Vs

1. The District Collector
District Collectorate,
Erode District
- 2.The Revenue Divisional Officer
Gobichettipalayam.
- 3.The Executive Officer
Periya Kodiveri Panchayat,
Periya Kodiveri,
Gobicheti Alayam, Erode District

... Respondents

PRAYER

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka. No 1054 / 2022/ L-1 dated 21.04.2022 passed the District Collector, Erode, 1st Respondent herein, and quash the same as illegal, arbitrary and violative of the principles of natural justice consecutively directing the 3rd respondent to rectify the name of petitioner deceased grandfather from Periyamalla Nayakkar to Pala Nayakkar in Death Certificate No 69/2000 dated 09.12.2000.

For Petitioner : Mr.G.R.Deepak



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For Respondents: Mr. R. Murthi
Government Advocate

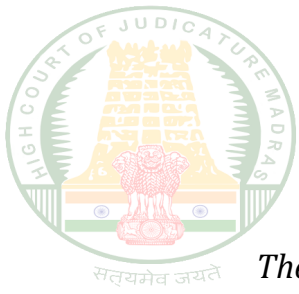
ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 21.04.2022 and for a consequential direction to the third respondent to rectify the name of the grandfather of the petitioner mentioned as 'Periyamalla Nayakkar' instead of 'Palla Nayakkar' in the death certificate of his father.

2. The case of the petitioner is that, his father Chinnamalla Nayakkar passed away on 09.12.2000. While issuing the death certificate of his father, the name of his grandfather has been erroneously recorded as 'Periyamalla Nayakkar' instead of 'Palla Nayakkar'. Hence, the petitioner submitted an application before the respondents seeking for the correction of the name of the grandfather. The same has been rejected by the District Collector through the impugned communication dated 21.04.2022. Aggrieved by the same, the present writ petition has been filed before this Court.

3. When this writ petition came up for hearing on 18.06.2025, this Court passed the following order:

" It is seen from records that the petitioner has already filed a suit in O.S.No.222 of 2022 to declare that the name of his grandfather is Palla Nayakkar and not Periyamalla Nayakkar.



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The petitioner also wants the respondents to deal with the application where he has sought for a similar correction in the death certificate that was issued after the demise of Chinnamalla Nayakkar, who is the father of the petitioner. The petitioner cannot be permitted to prosecute the case both before the Civil Court as well as before the authorities. When this was pointed out to the learned counsel for the petitioner, the learned counsel sought for some time to withdraw the suit and to report the same before this Court. Post this writ petition at the end of the motion list on 30.6.2025."

4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the suit that was filed in O.S.No.222 of 2022 has been dismissed as withdrawn and to substantiate this submission, the daily status of the District Munsif Court, Gobichettipalayam dated 26.06.2025 was produced before this Court.

5. Learned Government Advocate appearing on behalf of the respondents produced written instructions from the Executive Officer, wherein it has been stated that the suit has been dismissed as withdrawn.

6. Learned counsel for the petitioner, in order to substantiate the fact that the name of his grandfather is Palla Nayakkar, relied upon a sale deed dated 08.06.1945 registered as Document No.874/1945, wherein the name of the



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grandfather of the petitioner has been mentioned as 'Palla Nayakkar'. Learned counsel also pointed out to the revenue record that stands in the name of the petitioner's father as Joint Pattadhar in Patta No.410, where the name of his grandfather is mentioned as 'Palla Nayakkar'.

7. In the considered view of this Court, the correction to be carried out in the death certificate need not be dealt with by the District Collector since as per the relevant Government Order, the appellate authority is the Revenue Divisional Officer and the revisional authority is the District Revenue Officer and it is not necessary for the District Collector to exercise this jurisdiction. In any event, there are prima facie materials available before this Court to show that the correct name of the petitioner's grandfather is 'Palla Nayakkar' and whereas it has been mentioned in the death certificate as 'Periyamalla Nayakkar'.

8. In view of the above, there shall be a direction to the petitioner to file an appeal before the second respondent and seek for correction in the death certificate of the petitioner's father by mentioning the name of his grandfather as 'Palla Nayakkar' instead of 'Periyamalla Nayakkar'. While dealing with the appeal, the petitioner shall submit the sale deed and also the Patta that was issued in the name of the petitioner's father. Considering the same, the second respondent shall pass appropriate orders in the appeal and direct the necessary



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correction to be carried out in the death certificate. This process shall be completed by the second respondent within a period of four weeks from the date of submission of the appeal by the petitioner.

9. This writ petition is disposed of in the above terms.

30-06-2025

KST

Neutral Citation:Yes/No

To

- 1.The District Collector
District Collectorate,
Erode District
- 2.The Revenue Divisional Officer
Gobichettipalayam.
- 3.The Executive Officer
Periya Kodiveri Panchayat,
Periya Kodiveri,
Gobichettipalayam,
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N.ANAND VENKATESH, J.

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