



W.P.No.30157 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.30157 of 2025

Karuppaiah

... Petitioner

Vs.

1. The Commissioner
Avadi City Corporation
Department of Births & Deaths
Avadi.

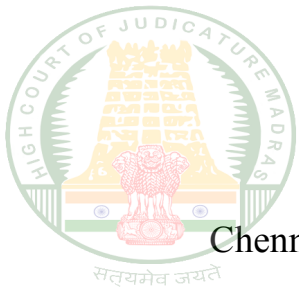
2. The Registrar of Birth and Deaths
Avadi City Corporation,
Avadi.

3. The Divisional Magistrate/
Revenue Divisional Officer,
Tiruvallur.

... Respondents

(R-3 suo motu impleaded vide order
of this Court dated 14.08.2025)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to register death of petitioner's wife namely Mrs.Selvalakshmi died on 20.09.2015 in pursuance of death certificate issued by the DIGP, CH, CRPF, Avadi,



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Chennai 65 (Tamil Nadu) vide No.M.III.1/2015-CH-AVD dated

20.09.2015 subsequently issue a death certificate.

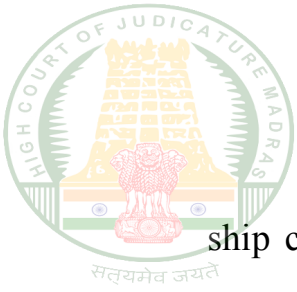
For Petitioner : Mr.N.Ranjith Kumar

For Respondents : Mr.R.A.Gopinath
Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondents to register death of the petitioner's wife namely Mrs.Selvalakshmi, pursuant to the death certificate issued by the DIGP, CH, CRPF, Avadi, Chennai 65 (Tamil Nadu) vide No.M.III.1/2015-CH-AVD dated 20.09.2015 and issue a death certificate.

2. The petitioner is a retired Head Constable/GD Central Reserve Police Force. While he was working in Avadi, his wife died on 20.09.2015, due to breast cancer. On the same day, a death certificate was issued by DIGP, CH, CRPF, Avadi. Based on the death certificate issued by the Chief Medical Officer, CH, CRPF, Avadi, the petitioner applied for legal heirship certificate to Tahsildar and on 03.06.2016, the Tahsildar, Andipatti Taluk, Theni District, had also issued the legal heir



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ship certificate. The petitioner was under the impression that the death certificate issued by the Chief Medical Officer, Avadi, Chennai, was sufficient and hence, he did not apply for the death certificate from the respondents. However, the petitioner was advised to get the Death Certificate from the respondents by his well wishers. Therefore, the petitioner submitted a representation on 16.07.2025, to the respondent to issue death certificate. Since no action was taken, this present Writ Petition is filed for the above said relief.

3.The learned counsel for the petitioner placing reliance on the provisions of the Registration of Births and Deaths Act, 1969, and the Tamil Nadu Births and Death Rules, 2000, submits that as more than a year has lapsed since the death of the petitioner's wife, the petitioner may be directed to approach the District Magistrate as per Section 13 (3) of the Act, 1969, and 9 (3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000.

6. I have heard the learned counsel on either side and perused the records and taken up for disposal.



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7.The facts are undisputed. The petitioner's wife died of cancer on 20.09.2015. The Chief Medical Officer, CRPF, Avadi, certified the death of the petitioner's wife on the same day. The petitioner, under the assumption that the Certificate of the Chief Medical Officer was sufficient, failed to apply for the Death Certificate of his wife under the provisions of the Registration of Births and Deaths Act, 1969, and the Tamil Nadu Registration of Births and Deaths Rules, 2000.

8.The relevant provisions of the Act, having a bearing on the issue before this Court, are as follows:-

"8.Persons required to register births and deaths:-

[1]It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section [1] of section 16-

[a].....

[b]in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in



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charge or any person authorised by him in this behalf;

Rule 5:-Form for giving information of births and deaths-

[1]The information required to be given to the Registrar under section 8 or section 9, as the case may be, shall be in [Form Nos.1, 2 and 3] for the registration of a birth, death and still-birth respectively, hereinafter to be collectively called the reporting forms. Information, if given orally shall be entered by the Registrar in the appropriate reporting form and the signature or thumb-impression of the informant obtained.

*[2]The part of the reporting form containing legal information shall be called as "**Legal Part**" and the part containing statistical information shall be called as "**Statistical Part**".*

[3]The information referred to in sub-rule [1] shall be given within twenty-one days from the date of birth, death or still-birth.

Section 13-Delayed registration of births and deaths-

[1]Any birth or death of which information is given to the Registrar after the expiry of the period specified therefor ; but within thirty days of its



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occurrence, shall be registered on payment of such late fee as may be prescribed.

[2]Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government.

[3]Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the First Class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

[4]The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.



Rule 9:- Authority for delayed registration and fee payable thereof under Section 13:-

[1]Any birth or death of which information is given to the Registrar after the expiry of the period specified in Rule 5, but within 30 days of its occurrence shall be registered on payment of a late fee of rupees two.

[2]Any birth or death of which information is given to the Registrar after 30 days but within one year of its occurrence, shall in the case of local authorities specified in column [1] of the Table below, be registered only with the written permission of the officers specified in the corresponding entries in column [2] thereof, on payment of a late fee of rupees five:-

TABLE

Local Authorities [1]	Officers [2]
Village Panchayat	Village Panchayat President
Town Panchayat	Executive Officer
Cantonment	Executive Officer
Municipality	Commissioner
Corporation	Commissioner
Neyveli Lignite Corporation	Chief Health Officer

[3]Any birth or death which has not been registered within one year of its occurrence shall be registered only on an order of a Judicial Magistrate



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or a Metropolitan Magistrate and on payment of a late fee of rupees ten."

9.From the aforesaid provisions, it is clear that the Medical Officer in-charge of any institution, has to follow the procedure contemplated under Section 8[b] of the Act, and has to submit Form-2 provided under the Rules, within 21 days of the occurrence. Section 13 provides for delayed registration of Births and Deaths. As per Section 13[1], any birth or death of which information is given to the Registrar within 30 days of such occurrence and which is not registered within 21 days, can be registered with a fine of Rs.100/- within 30 days. In case, the period exceeds 30 days, the death can be registered only with a fine of Rs.200/-. In case the death is not registered within a year of its occurrence as per Section 13[3] read with Rule 9[3], it shall be registered only on an order made by the District Magistrate or the Sub Divisional Magistrate or by an Executive Magistrate, authorised by the District Magistrate, having jurisdiction over the place where the death had taken place, with a fine of Rs.500/-.

10.In the present case, the petitioner's wife died on 20.09.2015 and



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within the stipulated period, death was not registered. Since more than one year lapsed from the date of death of the petitioner's wife, registration can be made only by the Divisional Magistrate / Revenue Divisional Officer, Tiruvallur, under Section 13[3] of the Registration of Births and Deaths Act, 1969, read with Rule 9[3] of the Tamil Nadu Registration of Births and Deaths Rules, 2000. Under the circumstances, this Court, instead of driving the petitioner who is a senior citizen to approach the authorities, suo motu impleads the Divisional Magistrate / Revenue Divisional Officer, Tiruvallur, as the 3rd respondent in the writ petition, since he is the competent authority to pass an order for registration.

11. Accordingly, the writ petition is disposed of with the following directions:-

[a] The petitioner shall submit an application along with supporting documents to the Revenue Divisional Officer, Tiruvallur, the 3rd respondent herein, along with the late fee of Rs.500/-, within a period of two weeks, from the date of receipt of a copy of this order.

[b] On receipt of such application and late fee, the 3rd respondent



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herein, namely, the Revenue Divisional Officer, Tiruvallur, shall pass orders on merits and in accordance with law, within eight weeks thereafter. No costs.

14.08.2025

dh/AP

Index: Yes

Internet: Yes

Speaking Order: Yes

Neutral Citation: Yes

To

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Avadi City Corporation
Department of Births & Deaths
Avadi.
2. The Registrar of Birth and Deaths
Avadi City Corporation,
Avadi.
3. The Divisional Magistrate/
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N.MALA. J.
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