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W.P.No.36525 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36525 of 2025
and W.M.P.No.40815 of 2025

Sarala

... Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai-600003.

2.Zonal Health Officer,
Zone-VIII,
Greater Chennai Corporation,
36B, Pulla Avenue,
Shenoy Nagar,
Chennai-600030.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 2nd Respondent Ma.A.8.Po.Su.Thu.Na.Ka.H1//2025 dt.27.06.2025 and quash the same as illegal, improper and consequently direct the 2nd Respondent to correct the entry of “Name of wife/husband” in the death certificate D-2025:33-21354-000078 by including the Petitioner's name Sarala”.



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For Petitioner : Mr.M.Karthikeyan
For Respondents : Mrs.Ashwini Devi

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ORDER

In view of the consent expressed by the learned counsel on either side, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The present Writ Petition has been filed challenging the order passed by the 2nd respondent rejecting the claim of the petitioner for rectification error in the death certificate which was issued in respect of her deceased husband.

3. Mrs.Ashwini Devi, learned counsel takes notice on behalf of the respondents.

4. It is the case of the petitioner that the petitioner's husband viz.,D.Baskar died on 20.08.2000. The petitioner being the legally wedded wife, had applied for issuance of death certificate in respect of her deceased husband, pursuant to which, death certificate was issued by the respondent Corporation in respect of the deceased, in which, the name of the petitioner has been wrongly mentioned as "Govindhammal instead of "Sarala" the wife of the deceased. In order to rectify the said error, the petitioner made a representation dated 21.05.2025 to the 2nd respondent along with necessary documents however, the same was rejected vide the present impugned order. Aggrieved by which, the petitioner has come up with the present Writ Petition.

5. Learned counsel for the petitioner submitted that the impugned order



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passed by the 2nd respondent is bad in law as no opportunity of hearing was given to the petitioner nor any enquiry was conducted before passing the said order which is in violation of principles of natural justice. Though, the 2nd respondent is vested with powers in terms of section 15 of the Tamil Nadu Registration of Birth and Death Rules, 2000 to rectify the errors made in the death certificate issued in respect of the deceased, without exercising the same, had mechanically rejected the claim of the petitioner despite receipt of all the necessary proofs having been produced by the petitioner with regard to her status of legally wedded wife of the petitioner which is arbitrary and illegal. Therefore, the impugned order of the 2nd respondent requires interference at the hands of this Court.

6. Learned counsel appearing for the respondents while defending the impugned order submitted that the death certificate of the deceased was issued only based on the declaration made by the relatives of the deceased. Though, the petitioner claims to be a legally wedded wife of the deceased, no documents are available with the respondents with regard to the legal heirship status of the petitioner with the deceased so as to rectify the errors which is alleged to have been made in the death certificate of the deceased. If at all the petitioner has any grievance, the petitioner may work out her remedy before the competent civil court.



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7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. It is the case of the petitioner that she has approached the respondents herein seeking rectification of errors in the death certificate issued in respect of her deceased husband which has been rejected by the respondents vide the present impugned order on the ground that it is only on the basis of declaration given by the alleged relatives of the deceased, the death certificate was issued and therefore, the impugned order cannot be found fault with. However, it is to be pointed that when there are contemporaneous materials placed by the petitioner showing her status as the wife of deceased, merely based on the declaration given by the alleged relatives cannot be the basis for rejecting her claim. Further, no materials have been placed by the respondents to show that the petitioner is not the legally wedded wife of the petitioner and that she is not entitled to claim the relief sought for. In such view of the matter, it is the duty cast upon the respondents to consider the representation given by the petitioner on merits after conducting appropriate enquiry upon receipt of all the necessary documents from the petitioner.

9. In the light of the above, the impugned order passed by the 2nd respondent is hereby set aside and the matter is remanded back to the 2nd



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respondent for fresh consideration. The 2nd respondent is directed to conduct an enquiry afresh between the parties and pass appropriate orders on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order after affording an opportunity of personal hearing to the petitioner and any other interested parties including the rival claimants if any.

10. This Writ Petition is allowed. There shall be no orders as to costs. Consequently, the connected connected Miscellaneous Petition is closed.

26.09.2025

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No

Nhs



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M.DHANDAPANI, J

Nhs

To

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