



WEB COPY

WP No. 38115 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 38115 of 2025

A.Arumugam

Petitioner(s)

Vs

1. The District Revenue Officer,
Namakkal , Namakkal District

2.The Revenue Divisional Officer,
Namakkal, Namakkal District

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Certiorarified mandamus, calling for the records relating to the impugned order dated 11.08.2025 made in Muu. Mu. No. 5832/ 2025/ C1 passed by the 1st respondent confirming the order dated 24.01.2025 made in Muu. Mu. 6072/ 2024/ A5 passed by the 2nd respondent quash the same and consequently direct the respondents to pass necessary orders for issuing death certificate for the petitioners grandmother Malaiya @ Malaiyammal who died on 7.05.1968.

For Petitioner(s): Mr.R.T.Vishnu

For Respondent: Mr.A.M.Ayyadurai, GA

ORDER

The writ petition has been filed seeking to quash the impugned order dated 11.08.2025 made in Muu. Mu. No. 5832/ 2025/ C1 passed by the 1st



respondent confirming the order dated 24.01.2025 made in Muu. Mu. 6072/2024/ A5 passed by the 2nd respondent and consequently, direct the respondents to pass necessary orders for issuing death certificate for the petitioners grandmother Malaiya @ Malaiyammal who died on 7.05.1968.

2. It is the case of the petitioner that the he is the grandson of the deceased Malaiya & Malaiyammal through her son Late Avinasi. The petitioners grandmother was married to the petitioner's grandfather late Arasamaran @ Arasan and they had begotten one son by name Avinasi, who is the petitioner's father and the petitioner's grandfather died long ago. Meanwhile, the petitioner's father was married to his mother Thamariammal and they had six children. While so, the petitioner's grandmother died on 07.05.1968 in their house at the age of 85. However, her death was not duly registered at that time. Subsequently, the petitioner's father died in the year 2006. Thereafter, the properties were divided among the petitioner and his siblings. While so, the property purchased in the name of his grandmother was allotted to his share. In order to formally effect mutation of the properties, the petitioner was required to produce the death certificate of his grandmother Malaiya @ Malaiyammal. Hence, the petitioner had filed an application on 22.11.2023 before the second respondent under Rule 9(3) of TN Registration of Births and Deaths Rules, 2000 for issuance of death certificate.

2.1 The Tahsildar, Sendhamangalam had conducted local enquiry with the



villagers and other legal heirs of his grandmother and filed a report dated 10.09.2024 holding that his grandmother had died on 07.05.1968 and recommended to issue death certificate. However, unmindful of the report dated 10.09.2024, the second respondent had passed the impugned order dated 24.01.2025 rejecting the petitioner's request to issue death certificate. Aggrieved over the same, the petitioner filed an application before the first respondent. The first respondent had passed the impugned order dated 11.08.2025 by confirming the order passed by the second respondent. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the second respondent has erred in holding that the date and place of death of the petitioner's grandmother could not be ascertained properly unmindful of the report dated 10.09.2024 and the statements of the villagers. Further, the first respondent who is the appellate authority, has not appreciated the reports and statements on record and passed the impugned order dated 11.08.2025 by simply confirming the order of the second respondent. In fact, the VAO of the petitioner's village had appeared before the first respondent and submitted his statement that the petitioner's grandmother died on 07.05.1968. Hence, this Court may quash the order passed by the first respondent by allowing the writ petition.

4. The learned Government Advocate submitted that the VAO and the



petitioner have appeared before the first respondent for enquiry and they submitted the statements of the villagers and records and the same is not sufficient for grant of death certificate. The prayer sought by the petitioner is disputed question of fact and the same cannot be granted by the respondents and the same cannot be entertained under Article 226 of Constitution of India.

5. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available record.

6. As per Rule 9 and Section 13 of the Registration of Birth and Death Act, which makes it clear that the normal period for reporting a birth and death is 21 days from the date of event. However, in the present case, except statement of the villagers, no other proof is available for registration of the death. Further, the delay was not properly explained by the petitioner that the death of the deceased is 1968 whereas the application has been made in the year 2022. Further, there must be a proof to show that with regard to the death of the particular person. Therefore, the revenue officials is incompetent person to provide the death certificate of the petitioner's grandmother. As rightly submitted by the learned Government Advocate, the issue raised by the petitioner is disputed question of fact and the same cannot be decided by the Revenue Official and also this Court.

7. In the result, the writ petition is dismissed. However, liberty is granted



to the petitioner to work out his remedy before the appropriate forum in the manner known to law. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Namakkal , Namakkal District

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Namakkal , Namakkal District



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