



W.P.No.39999 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39999 of 2024

Anarkali

... Petitioner

Vs.

1. The District Collector,
Perambalur District, Perambalur.

2. The Tahsildar,
Veppanthanttai Taluk,
Perambalur District.

3. The Dean,
The Mahatmagandhi Memorial Govt. Hospital,
Trichirapalli.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent in Ref.No.Mu.A7/188/2024, dated 12.01.2024 and quash the same and consequently, directing the second respondent to register the death of the petitioner's husband Salim Basha died on 10.10.2023 and issue death and legal heirs certificate to the petitioner, within a time limit fixed by this court.



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For Petitioner : Mr.R.Muralidharan
For Respondents : Mr.R.Neelakandan, Addl.Adv.General
Assisted by Mr.S.Balamurugan,
Govt. Advocate for respondents 1 and 2.
Mr.E.Sundaram, Govt. Adv.
for third respondent.

ORDER

This writ petition is filed challenging the order passed by the second respondent, rejecting the application submitted by the petitioner, seeking issuance of death certificate of her husband Salim Basha.

2. It is the case of the petitioner that she married one Salim Basha on 05.11.2014, as per Muslim rites and customs and out of wedlock, her son, namely S.Suhail was born on 01.07.2015. Thereafter, the petitioner went to Oman for her employment. When she was working in Oman, on 10.10.2023, she received a phone call from her friend and she was informed that her husband had died on 10.10.2023 in the third respondent hospital. Immediately, the petitioner came to India, but before her arrival, the body of the



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petitioner's husband was disposed of by his sisters, without informing the petitioner and her son. Therefore, the petitioner submitted a representation before the second respondent seeking death certificate of her husband Salim Basha and paid necessary charges. However, the second respondent rejected the application submitted by the petitioner on the ground that the petitioner's husband died in the Government Hospital, Tiruchirapalli/ third respondent and therefore, the petitioner could get death certificate from the third respondent. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner submits that at the time of death of petitioner's husband, she was residing within the jurisdiction of the second respondent and therefore, the second respondent shall issue death certificate to the petitioner.

4. Mr.R.Neelakandan, learned Additional Advocate General, who appeared for the respondents 1 and 2 would submit that, a per the report submitted by the Revenue Inspector, the petitioner's husband died on 10.10.2023 in the Government Hospital, Trichirapalli and



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therefore, the petitioner was directed to get death certificate from the third respondent.

5. A perusal of the typed set of papers reveals that for the query made by the petitioner under the Right to Information Act, the third respondent furnished information. The above said information would indicate that the death of petitioner's husband was not at all registered in the third respondent hospital and therefore, they informed the petitioner about the absence of record in their hospital. In the said communication, the third respondent also informed the petitioner that Death Certificate would not be issued by the hospital.

6. It is the matter of common knowledge that death certificate can be issued only by the revenue authorities and the third respondent may not be in a position to issue death certificate. Therefore, in the impugned order, the second respondent ought not to have directed the petitioner to get the Death Certificate from the third respondent. The information furnished by the third respondent indicates that the death of petitioner's husband has not been recorded in their hospital. The



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Aadhar Card of the deceased produced in the typed set of papers established that the petitioner's husband deceased Salim Basha resided in Veppanthattai, V.Kalathur, Perambalur District. Therefore, the second respondent is the jurisdictional Tahsildar to issue death certificate. Further, it is not the case of the second respondent that the death of husband of the petitioner had not occurred. Hence, there is no dispute with regard to the death of the petitioner's husband. The second respondent, who is the jurisdiction Tahsildar should conduct enquiry and based on the enquiry, shall issue death certificate to the petitioner. The second respondent is not justified in directing the petitioner to approach the third respondent, who is not at all empowered to issue death certificate.

7. Accordingly, the impugned order passed by the second respondent is set aside and the second respondent is directed to conduct enquiry with regard to the death of the petitioner's husband, after issuing notice to the petitioner and the siblings of the deceased and pass necessary orders on the request of the petitioner for issuance of death certificate, based on the enquiry findings, within a period of eight weeks from the date of receipt of copy of the order.



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8. With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

27.01.2025

Index:Yes/No

Internet:Yes/No

mst

To

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S.SOUNTHAR, J.

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