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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.1570 of 2022

and

W.M.P(MD)No.1372 of 2022

M.Tharjudeen

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Registrar of Birth and Death,
Office of the District Registrar of Birth and Death,
Nearby Government Girls Collee,
Kenikarai,
Ramanathapuram District.

3.The Commissioner,
Keelakarai Municipality,
Keelakarai – 623 517,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the third respondent to issue death certificate of the Petitioner's brother in law Late. Mr.Habeeb Mohammed Sathakathullah to the Petitioner by accepting the certificate issued by the Doctor possessing with BHMS qualification in confirmity with the Registration of Births and Deaths Act, 1969 and by considering the Petitioner's representation, dated 14.12.2021 within the time stipulated by this Court.

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For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For RR 1 and 2 : Mr.M.Senthil Ayyanar
Govt Advocate

For RR3 : Mr.A.Kannan

ORDER

This Writ Petition has been filed for a direction, directing the third respondent to issue death certificate of the Petitioner's brother in law Late. Mr.Habeeb Mohammed Sathakathullah to the Petitioner by accepting the certificate issued by the Doctor possessing with BHMS qualification in conformity with the Registration of Births and Deaths Act, 1969 and by considering the Petitioner's representation, dated 14.12.2021 within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner's brother passed away on 16.08.2021 due to his illness. His cause of death was confirmed by Dr.Fakrudeen, who is a qualified medical practitioner with BHMS degree awarded by the Tamil Nadu Dr.M.G.R.Medical University, Chennai, who has enrolled as a registered medical practitioner vide Registration No. 58881104.



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Further he was also enrolled with Homeopathy Medical Registration Certificate vide Registration No.1904. The petitioner submitted the death certificate issued by the said doctor for registration of his brother's death. However, so far, the death of the Petitioner's brother was not registered and the Petitioner was informed that the certificate issued by BHMS Doctor for the cause of death of Petitioner's brother is not acceptable one, since it was not issued in Form 4 or 4A.

4. The learned Government Advocate appearing for the respondents 1 and 2, on instructions, submitted that the certificate to be issued in Form 4 or 4A of the Registration of Births and Deaths Act, 1969. Further, Rule 7 of the Tamil Nadu Registration of Births and Deaths Rules, 2000 says that the certificate as to the cause of death required under sub-section(3) of Section 10 to be issued under Form No.4 or 4A for registration of Births and Deaths.

5. Admittedly, the Doctor, who treated the Petitioner's brother is a registered medical practitioner with BHMS qualification, that too, awarded by the Tamil Nadu Dr.M.G.R. Medical University, Chennai, who has enrolled as a registered medical practitioner vide Registration No. 58881104. Further he was also enrolled with



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Homeopathy Medical Registration Certificate vide Registration No. 1904. He is a qualified medical practitioner and he can issue the death certificate. Provision under Section 10 of the Tamil Nadu Registration of Births and Deaths Act, 1969 says that the state Government may require under sub-section (3) that the certificate as to the cause of death shall be obtained in the event of the death of any person, who during his last illness, was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forthwith, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form. It is also relevant to extract Rule 7 of the Tamil Nadu Registration of Births and Deaths Rules which reads as follows:

'7.Notification and Form of Certificate under Section 10:--(1) The certificate as to the cause of death required under sub-Section (3) of Section 10 shall be issued in (Form No.4 or 4A) and the Registrar shall after making necessary entries in the Register of Births and Deaths, forward all such certificates to the Chief Registrar or the Officer specified by him in this behalf by the 10th of the month immediately following the month to which the certificate relates.'



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6.Thus it is clear that a medical practitioner can issue certificate in Form 4 or 4A of the Registration of Births and Deaths Act, 1969 for registration of births or deaths. In the case on hand, admittedly, the doctor who treated the Petitioner's brother is a registered medical practitioner with BHMS qualification. After the demise of the Petitioner's brother, he issued certificate and the same was annexed along with application for registration of Petitioner's brother's death. However, it is still pending on the file of the third respondent.

7.In view of the above, the third respondent is directed to register the death of the Petitioner's brother and issue death certificate within two weeks from the date of receipt of a copy of this order.

8.with the above direction, the Writ Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

02.01.2025



NCC : Yes / No
Index : Yes / No
Internet : Yes/No
vsn

To

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G.K.ILANTHIRAIYAN, J.

vsn

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and
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