



W.P(MD)No.4903 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**Writ Petition(MD)No.4903 of 2025**

R.Kanimozhi,

... Petitioner

Vs

1. The Commissioner,  
Usilampatti Municipality,  
Usilampatti,  
Madurai District.

2. The Registrar,  
Births and Deaths Registration Department,  
Usilampatti,  
Madurai District.

3. Shibiya,  
W/o. Prince,  
Raja Thottam,  
Thirumangalam,  
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by 1<sup>st</sup> respondent in Na.Ka.No.016/2025/H1 dated 31.01.2025 and quash the same as illegal and unconstitutional and consequently direct the respondents to register petitioner's name i.e., namely R. Kanimozhi in the Death Certificate of her deceased husband namely



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P.Ravichandran in the wife's name “column” and deleting the name of Kavitha based on petitioner's application dated 06.01.2025.

For Petitioner : Mr.M.Shakulhameed

For Respondents : Mr.Austin  
Standing Counsel (For R1)

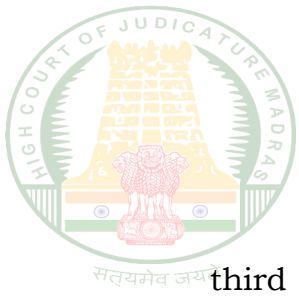
Mr. S.Shaji Bino  
Special Government Pleader  
(For R2)

Mr.M. Viji (For R3)

### **ORDER**

This writ petition is filed to quash the impugned order passed by the first respondent in Na.Ka.No.016/2025/H1 dated 31.01.2025, and to direct the respondents to register petitioner's name i.e., namely, R. Kanimozhi in the Death Certificate of her deceased husband, namely, P.Ravichandran in the wife's name “column” by deleting the name of Kavitha, based on her application dated 06.01.2025.

2. The entire dispute relates to one Ravichandran. The said Ravichandran was working as a Training Officer in the Government I.T.I at Madurai. He married one Kavitha, and from the wedlock, the



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third respondent was born. Unfortunately, Kavitha died on 27.07.2004. Subsequently, the said Ravichandran married the writ petitioner. From this wedlock, a child was born, by name, Niranjan. All of a sudden, the said Ravichandran passed away on 28.11.2024. A death certificate was issued by the first respondent-Usilampatti Municipality showing the first wife of Ravichandran i.e., Kavitha as his wife. Being aggrieved over the fact that her name has not been reflected as spouse of Ravichandran, the writ petitioner approached the Municipality by way of a representation on 06.01.2025, seeking to correct the error by removing the name of Kavitha and including the name of the petitioner as wife of the deceased Ravichandran. The first respondent passed the impugned order stating that as the writ petitioner is the second wife of the deceased Ravichandran, there is no provision under which she can be shown as the wife of the deceased. Consequently, the first respondent rejected the same. Challenging the same, the present writ petition.

3. When the matter came up for admission, notice was ordered. Notices were served on the respective parties. Mr.Austin appears for the first respondent. Mr.S.Shaji Bino, learned Special Government Pleader, appears for the second respondent. Mr.M.Viji appears for the third respondent.



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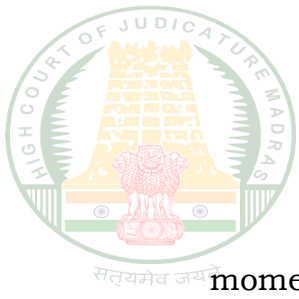
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4. I heard the counsels appearing for the respective parties, and perused the records.

5. The first respondent seems to be under the impression that any person, who contracts the marriage after the death of the previous spouse, would come within the definition of the second wife or the second husband. While the law prohibits a person from contracting a second marriage when the first spouse is alive, there is no bar under law preventing a person from getting married second time when the first spouse is no more.

6. It is accepted by all sides that Ravichandran's wife, Kavitha, passed away on 27.07.2004. The marriage between Ravichandran and the writ petitioner took place four years thereafter on 09.03.2008. On the date of the wedding between Ravichandran and the writ petitioner, there was no bar for Ravichandran to contract his marriage as the first wife was already dead.

7. That being the situation, the order of the first respondent stating that as Kanimozhi is the second wife of the deceased Ravichandran, her name cannot be recorded, does not stand a



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moment's scrutiny. Therefore, the impugned order passed by the first respondent in Na.Ka.No.016/2025/H1 dated 31.01.2025 is quashed. The first respondent is directed to exercise his power under Section 15 of the Registration of the Births and Deaths Act, 1969, and issue a certificate showing Kanimozhi as the wife of the deceased Ravichandran.

8. At this stage, Mr.M.Viji pleads that post-death of the third respondent's father, the third respondent has not given her rightful duty. He states that there are no elders to mediate between the petitioner and the third respondent.

9. Mr.M.Shakul Hameed states that it is not the intention of the writ petitioner to deny the rightful dues of the third respondent. He states that the third respondent has not approached the writ petitioner with this request, and this is a new one that has been made by Mr.M.Viji in this writ petition.

10. Be that as it may, as it is a family dispute that is capable of easy resolution, the parties are referred to the Mediation Centre attached to this Bench on 17.04.2025 to resolve the differences between them.



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11. This writ petition is allowed accordingly. No costs.

**26.03.2025**

NCC : Yes/No  
Index : Yes/No  
Internet:Yes  
skn

To

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Madurai District.

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**V.LAKSHMINARAYANAN, J.**

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