

W.P.(MD).No.5258 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.5258 of 2025

M.Perumal

.. Petitioner

Vs.

The Registrar (Birth and Death),
Tirunelveli Medical College Hospital,
Tirunelveli.

.. Respondent

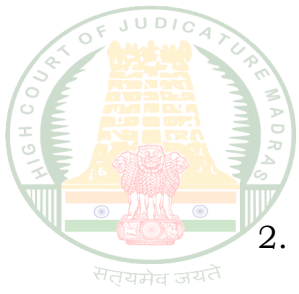
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent to rectify the mistake in death certificate and to issue a fresh death certificate based upon the representation dated 03.02.2025 within the time stipulated by this Court.

For Petitioner : Mr.A.Arun Ramnath

For Respondent : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The petitioner seeks for a Mandamus to correct the error in the death certificate of his father, one Manimuthu and to issue a fresh death certificate.



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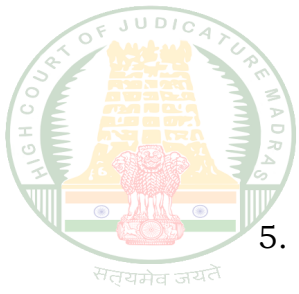
2. The petitioner pleads that his father, Manimuthu married his mother one Esakkiammal and from the wedlock, six children were born to them. They are,

- (i) Murugammal,
- (ii) Muthukumar,
- (iii) Velladurai,
- (iv) Perumal – writ petitioner,
- (v) Nambi and
- (vi) Revathi.

The petitioner pleads that his mother Esakkiammal, predeceased his father on 30.05.2019. Manimuthu himself had passed away on 09.01.2025.

3. When the petitioner applied for a death certificate of his father, he was surprised to find that the name of the wife was recorded as one Lakshmi instead of his mother, Esakkiammal. Hence, he gave a representation to the respondent on 03.02.2025. As the same has not been considered, he has come forward with this Writ Petition.

4. When the matter came up for admission, Mr.S.Shaji Bino, learned Special Government Pleader accepted notice on behalf of the respondent and sought time to get instructions.



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5. Today, when the matter was taken up for disposal, Mr.A.Arun Ramnath for the petitioner, argues that the petitioner's father had married only his mother Esakkiammal and therefore, her name should have been reflected in the death certificate as the wife of the deceased. Instead, the name of one Lakshmi is found therein. He states that this is an error committed by the respondent and it has to be rectified in terms of Section 15 of the Registration of Births and Deaths Act of 1969 read with Rule 11 of the Rules made thereunder.

6. Mr.S.Shaji Bino states that Manimuthu had passed away at Tirunelveli Medical College and Hospital on 09.01.2025. At that time, one Lakshmi filled out the application form claiming to be the wife of the deceased Manimuthu and therefore, her name was recorded as the wife of the petitioner's father. He has also produced an extract from the register maintained by the hospital. Drawing attention to Serial No.29, the entry as against Manimuthu is shown as “மனைவி ம.ஸெட்குமி” and hence, he urges there is no error in the record maintained by the respondent.

7. I have carefully considered the submissions of both sides.

8. It seems Manimuthu has had two wives. One is the petitioner's mother, Esakkiammal and another person, by name, Lakshmi. Esakkiammal



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had passed away in the year 2019. Manimuthu has survived Esakkiammal by six years. Whether Manimuthu married Lakshmi after the death of Esakkiammal or during the lifetime of Esakkiammal cannot be decided by the revenue authorities. The appropriate remedy would be to approach the jurisdictional Civil Court. This is because the status of a person is involved and under Section 34 of the Specific Relief Act of 1963, with respect to status, the appropriate remedy is only to file a civil suit.

9. By directing the respondent to consider the petitioner's representation, I will be indirectly conferring a jurisdiction on them, which they do not possess. It is not a case of an error or wrong recording of a name, that can be corrected under Section 15 of the Registration of Births and Deaths Act. Rather, it is a case where Manimuthu had married Lakshmi. That being an issue, which cannot be determined by the respondent, leaving it open to the petitioner to approach the jurisdictional Civil Court, this Writ Petition stands dismissed. There shall be no order as to costs.

24.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To
The Registrar (Birth and Death),
Tirunelveli Medical College Hospital,
Tirunelveli.



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V.LAKSHMINARAYANAN,J.

Lm

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