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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10529 of 2025

Jeyarani

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Devakotti.

2. Periyasamy

3. Aruljothi

...Respondents

[Respondents 2 & 3 are suo motu impleaded vide Court order dated 16.04.2025]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating



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to the impugned proceeding, dated 10.03.2025 issued by the respondent herein and quash the same and consequently issue a death certificate evidencing death of Sengol, Son of Pitchai Muthukonar of Anthangudi Village, Thiruvengampathur Panchayat, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.M.Lingadurai
Special Government Pleader, for R-1
Mr.S.Mahadevan, for R-2 & R-3

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned proceeding, dated 10.03.2025 issued by the 1st respondent and consequently issue a death certificate evidencing death of Sengol, Son of Pitchai Muthukonar.

2. Through the impugned order, the 1st respondent has refused to issue a death certificate, stating that there is no proper evidence to consider the plea. Hence, challenging the name present writ petition is filed.



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3. The primary contention of the petitioner is that the impugned order is incorrect in rejecting the evidence of one V. Ramanathan, who was born on 07.05.1937 and is aware of Sengol, who died in the year 1946. This statement was refuted by the respondents on the ground that V. Ramanathan, being about 70 years old, is too young, and therefore, his statement was not accepted. However, the petitioner contends that Ramanathan, born in the year 1937, was living in the same village and was aware of Sengol, who died on 15.02.1946. Even though Ramanathan is around ninety years old, he is familiar with the deceased and his death.

4. As per GO Ms No.324, dated 28.06.2023, a certificate is necessary to confirm the death of a person. If death occurred at home a written statement from the head of the family or a nearest relative of the head of the family in the house is required. The said G.O. further states in the absence of the above two, the eldest adult male person present therein during the period is sufficient. In this case, Ramanathan falls under this category, and therefore, his statement can be accepted.



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5. Considering the facts of the case, this Court is of the considered opinion that, although Ramanathan is about 70 years younger than Sengol, he is aware of the said person living in the village, and therefore, his statement is acceptable. Hence, the rejection order is liable to be interfered with.

6. It is stated that the petitioner has already filed a suit in O.S.No.27 of 2019 on the file of the District Munsif Court, Devakottai, against one Arulsamy and others regarding the disputed property, which belongs to Sengol. If the death certificate is issued to the petitioner, that would affect the rights of the other parties. Accepting the said contention, therefore, this Court is inclined to pass the following order:

1. The 1st respondent is directed to issue the death certificate to the petitioner.
2. Since the suit is pending, both parties shall adjudicate the issues before the pending suit, independently.
3. The rights of the parties shall be determined by the Trial Court uninfluenced by the issuance of the death certificate to the petitioner.



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7. With these above observations, this Writ Petition is Allowed. There shall be no order as to costs.

16.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

KSA

To:

The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Devakotti.



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.10529 of 2025**

DATED : 16.07.2025