



W.P.(MD)No.11657 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11657 of 2025

P.Karthikeyan

... Petitioner

-VS-

1.The District Collector,
Madurai, Madurai District.

2.The Commissioner,
Madurai Corporation, Madurai.

3.The Revenue Divisional Officer,
Madurai, Madurai District.

4.The Registrar,
Birth and Death, Madurai Corporation,
Madurai.

5.The Municipal Welfare Officer,
Madurai Corporation, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 4 to issue death certificate to the petitioner's demised mother namely, P.Girija in light of the order passed by the third respondent in proceedings No.Mu.Mu.No.1688/2022/F dated 23.09.2022 by mentioning the correct address as D.No.28, Loordhu Nagar, 2nd



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Street, Puthur, Madurai District, by considering the petitioner's representation dated 01.04.2025, within time stipulated by this Court.

For Petitioner : Mr.K.Dinesh
For R1 and R3 to R5 : Mr.C.Venkatesh Kumar
Special Government Pleader
For R2 : Mr.K.Sivabalan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 and 4 to issue the death certificate of the petitioner's deceased mother, P.Girija, in the light of the order passed by the third respondent in proceedings No.Mu.Mu.No.1688/2022/F dated 23.09.2022, by mentioning the correct address as D.No.28, Loordhu Nagar, 2nd Street, Puthur, Madurai District and by considering the petitioner's representation dated 01.04.2025

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. The petitioner submits that he is residing at the above-mentioned address and that his mother, Girija, passed away due to health-related issues on 29.06.2012. At that time, his father, being illiterate, was unable to obtain a death certificate from the concerned authorities. As a result, the petitioner has been unable to properly access or transfer various properties and Government documents related to his late mother, including mutation of Patta and other tax records. Therefore, in the year 2022, the petitioner filed a petition before the third respondent seeking issuance of a death certificate for his late mother, Girija. Upon verification of the records submitted by the petitioner, the third respondent passed an order in Mu.Mu.No.1688/2022/F dated 23.09.2022, directing the respondents 2 and 4 to issue the death certificate. However, in the said order, the third respondent has incorrectly mentioned the petitioner's address as Tallakulam Village instead of the correct address at Puthur. Therefore, the petitioner submitted a representation dated 01.04.2025 requesting the third respondent to rectify the error in the address and to direct the respondents 2 and 4 to issue the death certificate reflecting the correct address. Since the said representation has not been considered till date, the petitioner has been constrained to file the present Writ Petition.



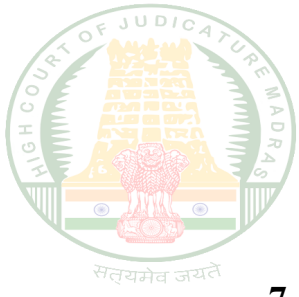
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4. Heard both sides.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 01.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

24.04.2025

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VIVEK KUMAR SINGH, J.

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