



W.P(MD)No.20977 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20977 of 2025

S.Alphonsal

...Petitioner

Vs.

1. The District Collector,
Kanyakumari District at Nagercoil.

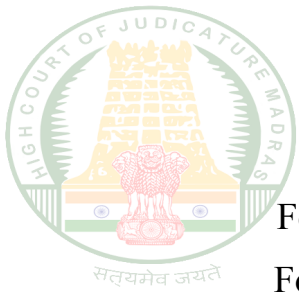
2. The Sub Collector,
(Revenue Divisional Officer),
Padmanabhapuram,
Thuckalai,
Kanyakumari District.

3. The District Sub Registrar of Birth and Death,,
Kanyakumari District,
Nagercoil.

4. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 3rd Respondent to issue the Civil Death Certificate for the Petitioner's husband Salim Kumar within the time stipulated by this Court.



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For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.R.Ragavendran,
Government Advocate, for R-1 to R-4

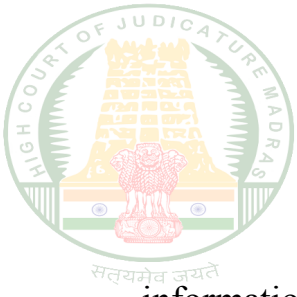
ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Mandamus*, directing the 3rd Respondent to issue the Civil Death Certificate for the Petitioner's husband Salim Kumar within the time stipulated by this Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner's husband, Salim Kumar, has been untraceable for more than seven years. Therefore, she is seeking for issuance of a civil death certificate.

3. The learned counsel appearing for the petitioner relied on Section 21 of the Registration of Births and Deaths Act, 1969. The said provision is extracted hereunder:

21. Power of Registrar to obtain information regarding birth or death.—*The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.*



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4. On perusal of the same, it is stated that the registrar can collect information about a birth or death in the locality from individuals residing in the area. However, this provision is applicable only in cases where the death has occurred, and the people living in the area are aware of the fact. In the present case, non-traceable of a missing person, and there is no conclusive proof that Salim Kumar died. Therefore, under these circumstances, this provision cannot be applied. The appropriate remedy available to the petitioner is to approach the appropriate civil court.

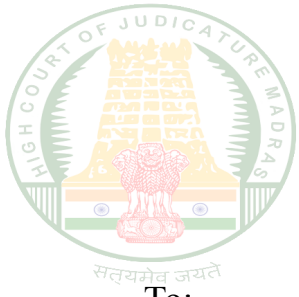
5. Accordingly, the writ petition stands dismissed. Liberty is granted to the petitioner to approach the civil court and seek her remedy. No Costs.

01.08.2025

NCC : Yes / No

Internet : Yes

KSA



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
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