



W.P(MD)No.27684 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27684 of 2025

Selvaganesan

... Petitioner

Vs.

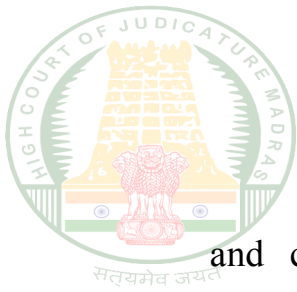
1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

2.The Tahsildar,
Office of the Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.

3.The Registrar of Births and Deaths,
Thiruvengadam Taluk Office,
Tenkasi 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 in RDOSKL/3210/2024-B1 dated 21.11.2024 on the file of the second respondent and quash the same



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and consequently direct the respondents 1 and 2 to issue Death Certificate for the petitioner's great grandmother under Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 within time frame stipulated by this Court.

For Petitioner : Ms.S.G.Vidhya
for Mr.D.Rajaboopathy

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard both sides.

2.The real prayer of the writ petitioner is that his aunt's death must be registered by the first respondent and thereafter certificate of death should be issued. But the affidavit and petition have been recklessly typed. The affidavit filed by the petitioner reads that his father Gurusamy married his great grandmother and that the said lady passed away and that her death must be registered.



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3.The members of the Bar are called upon to double check the contents of what is being filed in the court. They must bestow sufficient care. They ought not to be mechanical or careless. High Courts are courts of record. The papers filed by the litigants are maintained forever. One can overlook petty errors in spelling or grammar. But howlers such as the one on hand are difficult to stomach. Once I was arguing a bail petition before His Lordship Mr.Justice C.Nagappan (As His Lordship Then Was). His Lordship dictated an abrupt order of dismissal. Looking at the shock on my face, the Hon'ble Judge pointed out that in my bail petition, it was typed as “to the satisfaction of the Principle District Judge”. Instead of typing the word as “Principal”, the typist had typed it as “Principle”. Justice Sirpurkar (As His Lordship Then Was) dismissed a contempt petition because my typist had typed the word throughout as “condempt”. While Justice C.Nagappan was kind enough to recall the order and grant relief, Justice Sirpukar was unforgiving.

4.I have decided to follow the path of Justice C.Nagappan.

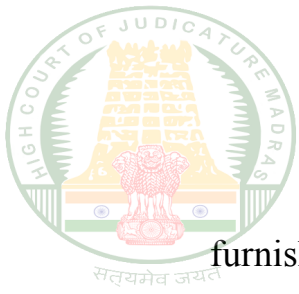


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5.Gurusamy, the father of the writ petitioner, got married to one Alagammal. She committed suicide on 18.07.1994. Thereafter, Gurusamy married Lakshmi and through the wedlock, the writ petitioner and his sister Amudhaselvi were born. Gurusamy had passed away. The petitioner is in need of death certificate in respect of the said Alagammal. Her death was not originally registered. In this regard, non-availability certificate was also issued by the Registrar of Births and Deaths. Since it is a case of late registration, it is only the jurisdictional RDO who is competent to register Alagammal's death. The petitioner submitted an application in this regard. The RDO, Sankarankovil declined to register the death of Alagammal and informed the petitioner accordingly vide Memorandum dated 21.11.2024.

6.Challenging the stand of the first respondent, this writ petition has been filed.

7.The impugned order makes an interesting reading. The RDO upon enquiry had come to know that Alagammal had died and that it was due to suicide. The reason for non-registration is on account of non-



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furnishing of two documents, namely, FIR and Post-mortem Report. The question that calls for consideration is whether the ground for rejection is sustainable.

8.The Registration of Births and Deaths Act, 1969 is the relevant statute. Section 13(3) of the Act provides for registration of any death which has not been registered within one year of its occurrence. It envisages an order made by a Magistrate of the first class or a Precedency Magistrate but Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 talks about Executive Magistrate not below the rank of a Revenue Divisional Officer. There appears to be some discrepancy between the Section and the corresponding Rule. Rule 9(3) owes its current form to G.O (Ms)No.293, Health and Family Welfare Department dated 02.12.2016. G.O (Ms) No.324, Revenue and Disaster Management Department, dated 28.06.2023 issued pursuant to the direction of the Full Bench of this Court in HCP No.3043 of 2014 dated 13.04.2017 contains the relevant guidelines and procedures for ordering late registration of birth and death which have not been registered within one year of occurrence. It reads as follows :



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Annexure to G.O.(Ms) No.324, Revenue and Disaster Management [RA-3(2)] Department, dated 28.06.2023

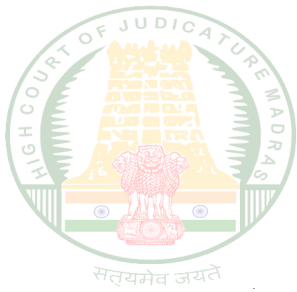
Guidelines and Procedures for Ordering Late Registration of Birth and Death which has not been registered within one year of its occurrence by the Executive Magistrate (not below the rank of Revenue Divisional Officer)

These guidelines are applicable for ordering all cases of Late registration of Births and Deaths which have not been registered within one year of its occurrence. As ordered by the High Court of Judicature of Madras in HCP.No.3043 of 2014 dated 13.04.2017, any order for late registration of birth/death passed by Judicial/Metropolitan magistrate after 25.01.2017 is not valid. From the above said date the late registration is being done by the Revenue Divisional Officers as the jurisdictional Executive Magistrates. These guidelines are being issued to streamline the system to ensure that same process is followed throughout the state.

1. The petitioner shall apply to the Revenue Divisional Officer in whose jurisdiction the Birth or Death occurred, specifying the purpose for late registration of Birth or Death.
2. If the petitioner approaches the Revenue Divisional Officer with the copy of the order of Judicial / Metropolitan Magistrate issued prior to 25.01.2017, the Revenue Divisional Officer shall once again issue order without enquiry based on the Judicial/Metropolitan Magistrate order passed earlier.
3. The application should be accompanied with Non Availability Certificate (NAC). The Non Availability Certificate is to be obtained from the jurisdictional Birth and Death Registrars through the authority prescribed below:

Area of Occurrence	Authority to be approached
Village Panchayat	Tahsildar/Village Administrative Officer
Town Panchayat	Executive Officer
Municipality	Commissioner
Corporation	Commissioner
Cantonment	Executive Officer

Note: Due to upgrading or merging of local bodies, over years, if the place of occurrence of the event (Birth/Death) has been upgraded/ converted/merged in any of the area of occurrence mentioned above then the applicant shall approach the respective authority as upgraded area of occurrence.



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The petitioner is to obtain and should submit the Non Availability Certificate for the years.

- i. On which year the birth and death have occurred.
- ii. For the preceding one year of occurrence of Birth / Death.
- iii. For the succeeding one year of occurrence of Birth / Death.

4. The petitioner should submit the application for Delayed Registration in the form of Affidavit affixed with Court fee stamp of value of Rs.10/- along with Non Availability Certificate and the following documents:-

The supporting documents to be submitted(as per availability) by the petitioner in addition to the Non Availability Certificate are:

A. In case of Birth Registration

- i. Mark sheets and Transfer Certificates in which Date of Birth is recorded
- ii. Passport
- iii. Driving license
- iv. Voter ID
- v. Aadhaar Card
- vi. School record extracts obtained from Head Masters of the schools

In case the above records are not available then

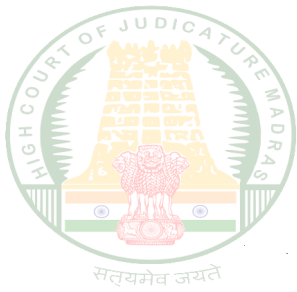
In case of occurrence of birth in hospital, Hospital record.

In case of occurrence of birth is at home, a written statement from the head of the house or the nearest relative of the head present in the house and in the absence of any such person, the oldest adult male person present therein during the said period.

B. In case of Death registration

As a proof of identity:

- i. Aadhaar Card of the deceased and spouse
- ii. Driving License
- iii. Passport
- iv. Voter ID
- v. Family Card



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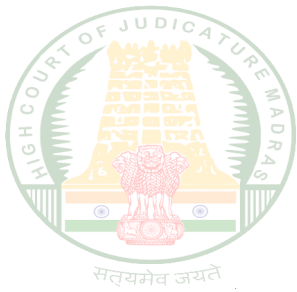


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Apart from the above, as a proof of death, the following documents:

- i. Cremation ground report. In case of burial, then burial slip obtained from Crematorium incharge.
 - ii. If the death occurred at Hospital then Hospital Record.
 - iii. In case of Accident, Murder, Suicide and any dead body found in a deserted place then copy of FIR and Post Mortem Report.
 - iv. If death occurred at Home, a written statement from the head of the house or the nearest relative of the head present in the house and in the absence of any such person, the oldest adult male person present therein during the said period.
5. The petitioner should provide a written self declaration to the effect that if any information/documents furnished are found to be false, he/she shall be liable for prosecution for furnishing false information under section 177 and 199 of the Indian Penal Code.
6. The Revenue Divisional Officer should scrutinize and ensure that the documents have been submitted by the applicant. After this initial scrutiny, the details should be sent to the concerned Village Administrative Officer (Revenue Inspector in case of Chennai District). The Village Administrative Officer should enquire and verify the genuineness of the event/documents and send the report to Revenue Inspector within two weeks, Revenue Inspector should send the report to Tahsildar within a week and Tahsildar should send the report to the Revenue Divisional Officer within 2 weeks.
7. At the time of submitting application to the Revenue Divisional Officer, the petitioner shall be directed to publish the facts of the birth/death events in local edition of Regional papers and the time limit for receipt of objections shall be 30 days from the date of the publication. The proof of such publication should be submitted directly during Revenue Divisional Officer enquiry.
8. Upon receipt of enquiry report from the Village Administrative Officer, the Revenue Divisional Officer shall summon the applicant and any other witnesses as required for enquiry and pass orders for registering the birth/death or reject the application, subject to his satisfaction. The Revenue Divisional Officer shall pass order within 60 days from the date of receipt of all the required documents by the applicant.



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9. The Revenue Divisional Officer shall communicate the delayed registration order to the applicant mentioning to approach the Registrar concerned for remitting the late fee of Rs.500/- in the relevant head of account pertaining to the jurisdictional area where it is to be registered. The delayed registration order copy is to be marked to the Jurisdictional Birth and Death Registrar, District Revenue Officer (District Registrar) and to Deputy Director of Health Services at Revenue District (Additional District Registrar).

10. Adoption:

In case of Adoption through Institutions recognized by Central Adoption Resource Authority, based on the District Magistrate order (as per Adoption Regulation 2022) the registration of birth of the adopted child is to be carried out.

In case adoption took place within relatives or acquaintances, the registration of adopted child is to be carried out with the adoption deed duly registered before the Sub-Registrar.

If the birth of adopted child (adoption within relatives or acquaintances) has not been registered then as per the procedure of ordering delayed registration by Executive Magistrate (not below the rank of Revenue Divisional Officer) it should be registered.

11. Appeal:

Against the order passed by Revenue Divisional officer an appeal can be filed by the aggrieved persons within a period of 60 days from the date of issue of order to District Revenue Officer for revision of orders. District Revenue Officer shall summon the applicant and any other witnesses as required for enquiry and pass orders for registering the birth/death or reject the application subject to his satisfaction within 60 days of receipt of the application.

12. General Instructions

1. Separate registers for ordering delayed registration of birth and death by the Revenue Divisional Officer should be maintained.
2. The Revenue Divisional Officer shall not resort to any correction of age if the applicant had already recorded the age in Birth Certificate/School Certificate/Age Certificate submitted at the time of employment.
3. In case of Missing persons for a period of 7 years the delayed registration of death is to be carried out by the Civil Court order declaring as dead.



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4. When it comes to notice that delayed registration order has been obtained by suppression of the fact the same shall be cancelled by the Revenue Divisional Officer and the cancellation orders to be marked to Additional District Registrar (Deputy Director of Health Services of Revenue District).

KUMAR JAYANT
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.

// True Copy //

23/10/23
23/10/23
Section Officer.

9.I will not fault the RDO. She has gone by the stipulation set out in the aforesaid G.O. The G.O must be read in its entirety. The supporting documents to be submitted by the applicant in addition to the non-availability certificate are contingent on availability. The applicant cannot be expected to submit a document that is not available with him or which cannot be procured by him. That apart an executive instruction cannot be interpreted or construed like a statute. The above G.O expects an applicant to submit copy of the FIR and Post-mortem Report in case of accident, murder or suicide. In the case on hand, Alagammal had died by suicide. When the factum of death has been confirmed, there was no need to look for any further proof of death. The scope of enquiry was to

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find out if the person named in the application had died and the date of death. A death certificate cannot be used for establishing the cause of death. Nor would it confer any status on the other persons mentioned in the death certificate. Section 8 of the Act requires the persons referred to in sub-section (1) to intimate the Registrar about the factum of birth/death and the Registrar is obliged to enter in the information in the Registrar. From this one can infer that based on oral information also, death can be registered. It is not necessary that the authority must always insist on documentary proof. If the registering authority is satisfied that death had taken place, he or she ought to register the same and issue death certificate to the applicant. In the instant case, declining the request of the writ petitioner on the ground that FIR and Post-Mortem Certificate was not furnished is unreasonable. As already mentioned, once the authority was satisfied that Alagammal had died, any further documentary proof becomes superfluous. I do not for a moment imply that these documents are irrelevant. I am only holding that these documents need not be insisted upon if the material on record otherwise satisfies the authority that the death had taken place.



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10.In this view of the matter, the impugned memorandum is quashed. The first respondent shall register the death of Alagammal and issue death certificate to the writ petitioner. This Writ Petition is allowed accordingly. No costs.

08.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA/skm

To

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
- 2.The Tahsildar, Office of the Tahsildar,
Thiruvengadam Taluk, Tenkasi District.
- 3.The Registrar of Births and Deaths,
Thiruvengadam Taluk Office, Tenkasi District.



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G.R.SWAMINATHAN, J.

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