



W.P(MD)No.32689 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.32689 of 2025

Ganapathy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

2.The Tahsildar
Office of the Tahsildar
Rajapalayam Taluk
Virudhunagar District.

3.The Registrar of Births and Deaths
Rajapalayam Taluk office
Sethur,
Virudhunagar 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 DA/Sethur/74/2025 dated 28.02.2025 on the file of the Respondent No.3 and consequently direct the Respondents Nos.1 and 2 to issue Death Certificate for the petitioner's mother Vadakasiammal wife of Subbaiah



W.P(MD)No.32689 of 2025

under Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules 2000 within time frame stipulated by this Court.

For Petitioner : Mr.D.Rajaboopathy

For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

Heard both sides.

2.The petitioner's mother is said to have passed away on 05.07.1977. Intimation of her death was not communicated. Only now, the petitioner has realized the need for registering her death and obtaining the death certificate. It is the jurisdictional Revenue Divisional Officer who is the authority competent to grant relief in such cases of belated registration. The petitioner had approached the Sub Registrar, Sethur and had obtained non-availability certificate. It mentions that the death of the petitioner's mother was not registered on the file of the Sub Registrar, Sethur during the relevant period (1976 to 1978).



W.P(MD)No.32689 of 2025

3.The learned Special Government Pleader on instructions states that if the following documents namely, (a) Non-availability certificate, (b) Paper publication to be made in a newspaper having circulation in the locality indicating that the petitioner intends to approach the Revenue Divisional Officer, Sivakasi for death certificate of his mother and inviting objections, (c) A notarized affidavit from the other legal heirs expressing their no objection and (d) Challan indicating payment of late fee of Rs.500/-, the Revenue Divisional Officer / Sub Collector, Sivakasi is ready to consider the writ petitioner's application. The stand of the learned Special Government Pleader is recorded.

4.The writ petitioner is permitted to submit a fresh application before the Revenue Divisional Officer, Sivakasi, Virudhunagar District. Upon the writ petitioner submitting the aforesaid documents (first document which is already available), the Revenue Divisional Officer / Sub Collector, Sivakasi shall hold enquiry and register the writ petitioner's mother's death and also issue the death certificate. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



W.P(MD)No.32689 of 2025

WEB COPY

5.I need to make an observation. This writ petition has been filed in the nature of Writ of Certiorarified Mandamus. While the writ petitioner had rightly sought issuance of Writ of Mandamus, he ought not to have sought issuance of Writ of Certiorari also. He had styled the non-availability certificate issued by the jurisdictional Sub Registrar as the impugned letter. This is clearly incorrect. The non-availability certificate issued by the Sub Registrar is a necessary document for the Revenue Divisional Officer to register the writ petitioner's mother's death. Therefore, such a certificate could not have been styled as an impugned order. I expect the learned counsel to be more careful while couching the writ prayer.

6.This writ petition is disposed of accordingly. No costs.

17.11.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

4/6



W.P(MD)No.32689 of 2025

To:

WEB COPY

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivakasi,
Virudhunagar District.
- 2.The Tahsildar
Office of the Tahsildar
Rajapalayam Taluk
Virudhunagar District.
- 3.The Registrar of Births and Deaths
Rajapalayam Taluk office
Sethur,
Virudhunagar District.



WEB COPY



W.P(MD)No.32689 of 2025

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.32689 of 2025

17.11.2025