



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 12849 of 2026

Karpagam
W/o.Ravi
Door No.36, Block No.109,
Ezhil Nagar, Tamil Nadu Slum Clearance Board,
Perumbakkam
Chennai 131.

..Petitioner(s)

Vs

1. The Registrar of Births and Death
Greater Chennai Corporation Zone-05
Division 59-A, No.105, Basin Bridge Road,
Royapuram, Chennai.
2. Devi
No.31/27, 3rd Floor, Chellammal Nagar
ICF Colony, TNHB, Chennai 600056.

..Respondent(s)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the proceedings in Mu.A.5/Pe.0Ku./Na.Ka.No.2368/2025 dated 29.01.2026, impugned order in passed by the 1st respondent and quash the same and subsequently direct the 1st respondent to issue the death certificate of the petitioner's brother V.Sivakumar, son of Vasudevan, by removing the name of Devi in the Wife's column, pursuant to the petitioner's representation dated 19.11.2024.

For Petitioner(s): Mr.S.Krishnamoorthy

For Respondent(s): Mr.S.Gopinathan for R1

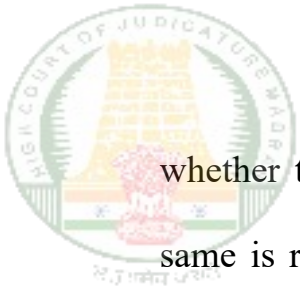


ORDER

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Challenging the order of the 1st respondent/Registrar of Birth and Death, Greater Chennai Corporation Zone-05, dated 29.01.2026, directing the petitioner to approach the Civil Court, the present writ petition has been filed.

2.The petitioner states that her younger brother V.Sivakumar died in a road accident on 21.01.2024. The deceased remained as a bachelor during his lifetime. However, during his lifetime, the petitioner's brother seemed to have developed relationship with the 2nd respondent, who was already married and had two children. Taking advantage of the same, the 2nd respondent had obtained the Death Certificate of Sivakumar by showing her name as his wife. It is the contention of the petitioner that the Death Certificate has been obtained based on misleading information only in order to grab the motor accident claim benefits. On 19.11.2024, the petitioner approached the 1st respondent along with necessary documents seeking removal of the name of the 2nd respondent from the Death Certificate of Sivakumar. Since no action was forthcoming, the petitioner filed a writ petition before this Court in W.P.No.37529 of 2024 to consider the representation of the petitioner dated 19.11.2024. This Court, by order dated 23.07.2025 in W.P.No.37529 of 2024, directed the 1st respondent to consider the representation of the petitioner dated 19.11.2024 and after issuing notice to the 2nd respondent, the 1st respondent was directed to ascertain as to



whether the 2nd respondent is already married to one Mr.Sasikumar since the same is reflected in the Birth Certificate that was issued to the son of the 2nd respondent and thereafter, take a decision within a period of four weeks from the date of receipt of a copy of the order. Thereafter, pursuant to the orders of this Court dated 06.02.2026 passed in Cont.P.No.85 of 2026, the 1st respondent has passed the impugned order dated 29.01.2026, stating that the petitioner has not produced necessary documents to prove that her brother Sivakumar was unmarried. Further, the 1st respondent directed the parties to approach the competent Civil Court and on production of the orders of the Civil Court, further orders will be passed. Challenging the said order of the 1st respondent, the present writ petition has been filed.

3.Learned counsel for the petitioner would submit that the Legal Heirship Certificate of the petitioner's mother Jaya shows the marital status of the petitioner's brother as "unmarried". The petitioner has attended the enquiry before the 1st respondent on 29.08.2025 along with her counsel and has produced all records to prove that her brother was a bachelor all along during his lifetime. However, the 1st respondent has not considered the same.

4.*Per contra*, the learned counsel appearing for the 1st respondent would submit that, though notices were issued to both the parties, initially, the 2nd respondent did not attend the enquiry and thereafter, on issuance of reminder,



the 2nd respondent appeared before the authorities on 24.11.2025 and has submitted her written reply along with certain documents which run contrary to the claim of the petitioner. Therefore, the 1st respondent is not in a position to take any decision in the matter and has relegated the parties to the Civil Court.

5. Heard the learned counsel on either side and perused the entire materials available on record.

6. From the facts of the case and the submissions made on either side, the issue that arises in this writ petition is whether the 2nd respondent is the legally wedded wife of the deceased petitioner's brother Sivakumar. The 1st respondent, on perusal of the documents filed on either side, has factually found that the documents run contrary to each other and has rendered a finding that he is unable to take a decision in the matter. Needless to state that, mere issuance of Death Certificate including the name of the 2nd respondent as wife of the deceased, will not confer any legal heirship status on the 2nd respondent. If the parties want to establish their rights, it is for them to approach the competent Civil Court to prove or disprove the marriage between the petitioner's brother and the 2nd respondent, and the issue has to be decided by the Civil Court based on oral and documentary evidence adduced by the parties. Therefore, the 1st respondent has rightly relegated the parties to the Civil Court, which, in the view of this Court, does not require any interference. Therefore, this Court is of



the view that the prayer in this writ petition is unsustainable.

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7. Accordingly, this writ petition is dismissed. No costs.

06-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NHS

To

The Registrar of Births and Death
Greater Chennai Corporation Zone-05
Division 59-A, No.105, Basin Bridge Road,
Royapuram, Chennai.



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M.DHANDAPANI J.

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