

Kerala High Court

K.Sathyan vs The Secretary on 5 November, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 8448 of 2009(A)

1. K.SATHYAN, "OM NIVAS", H.NO.92,  
... Petitioner

Vs

1. THE SECRETARY, AZHIY00R GRAMA PANCHAYATH  
... Respondent

2. THE VILLAGE OFFICER, AZHIY00R VILLAGE,

3. THE REVENUE DIVISIONAL OFFICER,

4. THE REGISTRAR OF BIRTH AND DEATHS,

5. THE SUB INSPECTOR OF POLICE,

For Petitioner :SRI.CIBI THOMAS

For Respondent :SRI.R.PARTHASARATHY

The Hon'ble MR. Justice THOTTATHIL B.RADHAKRISHNAN

Dated :05/11/2009

O R D E R

THOTTATHIL B.RADHAKRISHNAN, J.

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W.P(C).No.8448 OF 2009  
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Dated this the 5th day of November, 2009

J U D G M E N T

~~~~~ The petitioner's wife, going by the materials on record, committed suicide . The police were aware of that and occurrence report was recorded. It appears that the Sub Inspector of Police failed to inform the Registrar of Birth and Death regarding that death. Later, when the

petitioner applied for issuance of death certificate, the Registrar took the stand that the death of his wife is not registered and because there is delay in registering, the procedure under Section 13(3) of the Registration of Birth and Death Act, 1969, has to be followed on payment of the prescribed fee. Going by Exts.P1,P2 and P3, the S.I. of police, quite candidly, states that there was omission on the part of the police authorities to report the death to the registering authority. The statute in hand enjoins duty on different officers, to report the death to the register of births and deaths when such death is within their official knowledge. This is how Section 10 and other provisions of Act have to be understood and construed having regard to the object sought to be achieved by W.P.(C) No.8448/2009 that piece of legislation. Therefore, all that is required at this point of time is a modification of the interim order issued on 1.6.2009 directing issuance of death certificate by recording the death of the wife of the petitioner. If orders of the Magistrate is required in terms of Section 13(3) that shall also be got issued by the officials without insisting on fee being paid by the petitioner since the police had failed to report the death. The RDO shall forthwith decide on the application and intimate its decision to the concerned Panchayat authority to register the death of the wife of the petitioner. This shall be done within a period of three weeks unless already done.

The Writ Petition is ordered accordingly.

THOTTATHIL B.RADHAKRISHNAN, Judge ps