

GAHC010251082025



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THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6610/2025

NABIN CHANDRA INGTY
SON OF LATE PARASHU RAM INGTY, RESIDENT OF HOUSE NO. 4,
NARAKASUR, P.O.- KAHILIPARA, P.S. DISPUR, GUWAHATI, DISTRICT-
KAMRUP METRO, ASSAM, PIN- 781019.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF HEALTH SERVICES (FW)
HENGRABARI
GUWAHATI-781038.

3:THE REGISTRAR OF BIRTHS AND DEATHS
OFFICE OF THE CHIEF REGISTRAR OF BIRTHS AND DEATHS
HENGRABARI
GUWAHATI-781038.

4:THE DISTRICT COMMISSIONER
KAMRUP METRO
HENGRABARI
GUWAHATI-781038.

5:THE CO-DISTRICT COMMISSIONER
DISPUR CO-DISTRICT
BASISTHA CHARIALI
GUWAHATI-781028.

6:THE ASSISTANT COMMISSIONER

DISPUR CO-DISTRICT
BASISTHA CHARIALI
GUWAHATI-781028

Advocate for the Petitioner : MR. D BHUYAN, MR N SARMA

Advocate for the Respondent : GA, ASSAM, SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

02.02.2026

Heard Mr. N. Sarma, learned counsel for the petitioner; Ms. D. Bora, learned Sanding Counsel, Health & Family Welfare Department for the respondent nos. 1, 2 & 3; and Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam for the respondent nos. 4 & 5.

Sub-section [3] of Section 13 of the Registration of Births and Deaths Act, 1969 as well as Rule 9 of the Assam Registration of Births and Deaths Rules, 1999 has provided for delayed registration of death certificate. As per sub-section [3] of Section 13, any birth or death of which delayed information is given to the Registrar after one year of its occurrence, shall be registered only on an order made by a District Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, having jurisdiction over the area where the birth or death has taken place, after verifying the correctness of the birth or death and on payment of such fee as may be prescribed.

Mr. Gogoi, learned Additional Senior Government Advocate is to obtain instructions whether the respondent no. 4 has directed for verification of the correctness of the death of the deceased, that is, the father of the petitioner herein on receipt of the application for issuance of death certificate from the petitioner with requisite fees.

Mr. Sarma, learned counsel for the petitioner has submitted that Section 32 of the Registration of Births and Deaths Act, 1969 has provided a power to the State Government to remove difficulty. He has submitted that in the fact situation obtaining in the case, it is beyond the control of the petitioner either to submit a doctor certificate or a cremation

certificate for the purpose of issuance of a delayed death certificate in respect of the death of the petitioner's father at this distant point of time and as such, the State Government can remove the difficulty exercising its power under Section 32. He has further referred to a Letter dated 06.11.2025 written by the Assistant Commissioner, Dispur, Guwahati to the State Government in the Health & Family Welfare Department seeking clarification regarding grant of permission for issuance of death certificate.

As sought for, list the case on 02.03.2026 to enable Mr. Gogoi, learned Additional Senior Government Advocate to obtain instructions.

JUDGE

Comparing Assistant