



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 25060 OF 2025 (GM-RES)

BETWEEN:

MR. D MEHABUB BASH
S/O D BASHA,
AGED ABOUT 40 YEARS,
RESIDING AT NO.12, CHAMUNDI NAGAR
BANGALORE NORTH, R.T.NAGAR H.O.,
BENGALURU - 560082

...PETITIONER

(BY SRI. ASHWINI O.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
VIKAS SOUDHA,
BENGALURU - 560001.
2. THE REGISTRAR OF BIRTHS AND DEATHS
BBMP, CHIKPETE ZONAL OFFICE,
DIRECTORATE OF ECONOMICS
AND STATISTICS,
KASTURBA ROAD,
BENGALURU - 560001.
3. THE ADMINISTRATIVE OFFICER
KIDWAI MEMORIAL INSTITUTE OF ONCOLOGY,
DR. M H MARIGOWDA ROAD
BENGALURU - 560029.



4. MEDICAL OFFICER OF HEALTH CHIKPET
XHFF PLUS 3G3, BWNSB (WEST)
SUBADRA CHATRAM ROAD, PC ROAD,
BALEPETE, THULASI THOTA,
BENGALURU, KARNATAKA - 560053
5. JOINT DIRECTOR (STATISTICS)
BBMP HEAD OFFICE,
N.R.SQUARE, BENGALURU
KARNATAKA - 560002.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, AGA FOR R1 & R2;
SRI. ARAVIND CHAVAN FOR R3;
SRI. PAWAN KUMAR FOR R4 & R5)

THIS WP IS FILED UNDER ARTICLE 266 OF THE CONSTITUTION OF INDIA PRAYING TOA. ISSUE A WRIT OF CERTIORARI OR ANY OTHER SUITABLE WRIT OR DIRECTION QUASHING THE PROVISIONAL DEATH CERTIFICATE DATED 23.04.2025 BEARING REGISTRATION NO. 803162/B /D/ 2025 /028719 ISSUED BY RESPONDENT NO. 2 IN THE NAME OF THE PETITIONER (ANNEXURE B)

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This Court, upon careful examination of the material placed on record, found the issue raised in the present petition to be extremely disturbing and *prima facie* indicative of a grave administrative lapse,



inasmuch as a death certificate had been issued in respect of a person who is admittedly alive. Taking serious note of the same, this Court had directed the learned Additional Government Advocate to secure instructions from the concerned authorities as to why immediate steps had not been initiated to cancel the said death certificate, despite the petitioner having demonstrated and substantiated that he continues to be alive.

2. Today, the learned Additional Government Advocate, along with the concerned officials of respondent No.2 and the authorities of Kidwai Memorial Institute of Oncology/respondent No.3, are present before this Court. The doctor who had issued the death certificate is also present. On instructions, it is submitted that there was no deliberate foul play or mischief on the part of the officials; however, it is



fairly conceded that once it has come to the notice of the authorities that the person in whose name the death certificate has been issued is in fact alive, the continuance of such certificate cannot be sustained in the eye of law. The authorities further submit that they are willing and ready to take immediate steps to cancel the death certificate.

3. This Court deems it appropriate to observe that the issuance of a death certificate in respect of a living person strikes at the very root of civil identity and has serious civil and legal consequences. Once the competent authorities are informed, with acceptable material, that the person concerned is alive, they are under a bounden statutory and administrative obligation to act with promptitude and rectify the error by cancelling such death certificate without driving the citizen to unnecessary litigation. Any inaction or delay



in such circumstances would not only be arbitrary but would also infringe the fundamental and civil rights of the individual concerned.

4. Recording the statement made by the concerned officer who had issued the death certificate, and having regard to the submissions made on behalf of the respondents, this Court proceeds to pass the following:

ORDER

(i) The petition is allowed in part.

(ii) Respondent No.2 is hereby directed to forthwith take steps to cancel the death certificate issued in respect of the petitioner, in view of the admitted position that the petitioner is alive.



(iii) The aforesaid exercise shall be completed within a period of four weeks from the date of receipt of a certified copy of this order.

(iv) It is further made clear that such corrective action shall be taken expeditiously in all similar cases, as and when brought to the notice of the authorities, without compelling the affected parties to approach this Court.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB
List No.: 2 Sl No.: 13