

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19241 of 2025

Priyanka Kumari W/o Late Rajesh Kumar Yadav, D/o Ayodhya Prasad, Res of Village-Karisath, P.S.-Udwantnagar, District-Ara (Bhojpur).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Registrar, Birth and Death Registration Department, Govt. of Bihar, Patna-1.
2. The District Registrar, District-Vaishali.
3. The Executive Officer cum Registrar (Death and Birth), Nagar Parishad, Mahnar (Vaishali).
4. The Secretary, Nagar Parishad, Mahnar (Vaishali).
5. The Secretary, Urban Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

Date : 14-05-2026

Heard learned counsel for the petitioner. No one appears for the respondents.

2. The petitioner has filed the instant application for the following relief(s):

“That this application is being filed for issuance of appropriate Order/ Orders, direction/ directions,



Writ/ Writs in the nature of mandamus Commanding and directing to the respondents authorities to issue the Death Certificate. (Late Rajesh Kumar Yadav) husband of the petitioner and also set aside the order dated 14.08.2025 passed by Respondent No. 2. Whereby and Where under the husband of the petitioner has employee of Army. After Retirement the husband of the petitioner has received pension from the Govt. of India. Now the death of husband pension was stopped there is only source of Income for her Survivatships and any other relief/ reliefs as your Lordships may deem fit and proper.”

3. The case of the petitioner in brief is that her husband Late Rajesh Kumar Yadav having gone missing for about one week, a complaint was lodged before the police station which lead to registration of the FIR being Udwantnagar P.S. Case no.193 of 2024.

4. It is submitted by learned counsel for the petitioner that in course of police investigation, one of the accused confessed to having murdered the husband of the petitioner and in that view of the matter, a death certificate



should have been issued by the District Registrar, District-Vaishali. The prayer of the petitioner for issuance of the death certificate having been rejected by the respondents, the instant writ application has been filed.

5. Learned counsel for the petitioner further brings to the notice of this Court a letter dated 14.8.2025 (Annexure-6) written by the Executive Officer, Nagar Parishad, Mahnar addressed to the Nodal Officer, RTI, Vaishali stating therein that so far as issuance of death certificate in case of missing persons is concerned, in view of section 13(3) of the Registration of Births and Deaths Act, 1969, the same is issued only after an order of a competent Court.

6. Learned counsel for the petitioner submits that the accused having confessed to having committed the crime of murder of the petitioner's husband, the respondents be directed to issue the death certificate.

7. On perusal of the material on record and specially the provisions of the Registration of Births and Deaths Act, 1969, relevant portion of which has been annexed to the counter affidavit filed on behalf of the respondents, section 13 thereof is reproduced herein below for ready reference:

***“13. Delayed registration
of births and deaths.—(1) Any birth***



or death of which information is given to the Registrar after the expiry of the period specified therefor, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence, shall be registered only with the written permission of the District Registrar or such other authority, on payment of such fee and on production of self-attested document in such form and manner as may be prescribed.

(3) 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.



(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.”

8. So far as the facts of the instant case are concerned, it is not in dispute that the FIR with respect to the husband of the petitioner having gone missing was registered on 12.5.2024. The contents of the FIR show that the petitioner’s husband had gone missing on 4.5.2024.

9. More than two years having passed since the disappearance of the petitioner’s husband and the death neither having been confirmed nor having been registered within one year, the Court finds no error in the decision of the respondents communicated to the petitioner that in light of section 13(3) of the Act, the death would be registered only on an order made by the Court after verifying the correctness of the death and on payment of the prescribed fee.

10. The Court finds no error in the order impugned nor any merit in the instant writ application.



11. The application is dismissed.

(Partha Sarthy, J)

sauravkrsinha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.5.2026
Transmission Date	NA

