

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 2387 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Approved for Reporting	Yes	No

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RAMILABEN PRADIPBHAI VANKAR WD/O. PRADIPBHAI DUDHABHAI
VANKAR
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR PRADIP J PATEL(5896) for the Petitioner(s) No. 1
MR NIKUNJ KANARA, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 1,4
MS SEJAL K MANDAVIA(436) for the Respondent(s) No. 2,3

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK**

Date : 23/03/2026

JUDGMENT

1. Rule returnable forthwith. Learned Assistant Government Pleader Mr. Nikunj Kanara, waives service of notice of Rule for and on behalf of the respondent Nos.1 and 4 and learned counsel Ms. Sejal Mandavia, waives service of notice of Rule for and on behalf of the respondent Nos.2 and 3.

2. With the consent of the learned counsel appearing for the respective parties, the petition has been taken up for final hearing today.

3. By way of present petition under Article 226 of the Constitution of India read with the provisions of the Registration of Births and Deaths Act, 1969, petitioner has prayed for the following reliefs :

“A. This petition may be admitted and allowed.

B. YOUR LORDSHIPS may be pleased to issue a writ of mandamus and/or certiorari or any other appropriate writ, order or direction by Directing Respondents No.2 and 3 to Register the Death Entry of her deceased husband namely Pradipbhai Dudhabhai Vankar and issue death certificate.

C. Any other relief that may be deemed just and proper may also be kindly granted.”

4. Brief facts giving rise to the present petition are that, the deceased husband of the petitioner was missing on 22.04.2024 near village Moti Kantadi and for unknown reasons, he fell down in main Narmada canal and his dead body was found in canal siphon on 24.04.2024 in different village at Sanadra, Tal. Galteshwar, Dist. Kheda at about 9:30 A.M. and therefore, it was tried to pull out from the canal but suddenly the dead body was stuck in siphon and could not be taken out from the other side and thereafter, it was informed to the local police, District Magistrate of Panchmahal and Kheda to pull out the dead body from the siphon and therefore, local body and authority had called N.D.R.F Agency to pull out the body from the siphon but, it was not possible to pull out the body from the siphon by the expert agencies due to heavy water flow in siphon. That, on 23.04.2024, Janvajog Entry no. JJ/11/2024 was registered before the Godhra Town A Division Police Station for missing person. That, the petitioner had requested to the Godhra Town A Division Police Station for a report of death by producing evidences on 26.06.2024. That, after verifying the documents and evidences, police inspector, Godhra Town A Division had given certificate on 15.07.2024 for registering

the death certificate of deceased husband of the petitioner. Therefore, the petitioner applied for death entry to the Taluka Development Officer, Taluka Panchayat, Godhra, Dist. Panchamahar but, the said application was returned back by citing reason that the dead body was found in jurisdiction of Galteshwar Taluka and therefore, new application was made to the respondent No.3 alongwith the evidences on 03.09.2024. That, the petitioner made a detailed representation dated 20.09.2024 to the respondent No.2 and pointed out as what had actually happened to the husband of the petitioner. That thereafter, several communications were made between the police and respondent Nos. 2 & 3 and police had also supplied necessary documents to the respondent Nos.2 & 3. That, the petitioner again made request to the respondent No.3 to register a death entry of his late husband as due to non registration of death certificate will lead her to harsh difficulties as she was not able to receive the monetary benefits including pension of her late husband and also there was loan from HDFC Bank worth Rs. 23,00,000/- and she was receiving notices from the bank for the installments if the death certificate is produced before the bank, then loan can be adjusted against the insurance of death. That, on 28.12.2024, the Deputy Superintendent of Police, Godhra had also sanctioned the closing of Janvajog Entry No. 11/2024 as dead body was identified and therefore, the whole search operation was closed by the higher authority of the police department.

5. Being aggrieved and dissatisfied with the inaction on the part of the respondent Nos.2 and 3, the petitioner has preferred this petition.

6. Heard Mr. Pradip J. Patel, learned counsel appearing for the petitioner, Mr. Nikunj Kanara, learned Assistant Government Pleader

appearing for the respondent Nos.1 and 4 and Ms. Sejal Mandavia, learned counsel appearing for the respondent Nos.2 and 3.

7. Learned counsel Mr. Patel has submitted that the respondent authority has not considered the evidence on record and not registered the death entry of the deceased husband of the petitioner. He has submitted that despite clear evidence and a statutory competent authority has also opined that the dead body was of the deceased husband of the petitioner namely Pradipbhai Dudhabhai Vankar, however, without considering the same, the respondent authority is not registering the death entry and not issuing the death certificate to the petitioner, which will add to the hardships to the widow lady as without death certificate, petitioner is not getting benefits of her husband's government service and also facing financially towards the Loan Amount which could have been adjusted towards the insurance of accidental death. Over and above the grounds agitated in the memo of petition, learned counsel Mr. Patel has urged that the present petition be allowed and the respondent authorities be directed to register the death of the deceased husband of the petitioner and issue death certificate to the petitioner.

8. On the other hand, learned AGP Mr. Kanara has objected the present petition and submitted that the dead body of the deceased husband of the petitioner could not be found out till date and no P.M. report was produced by the petitioner alongwith her representation made before the authority, however, he was unable to controvert the certificate issued by the Police Inspector, Godhra Town A Police Station, wherein, it was stated that on 24.04.2024, the dead body of the deceased husband of the petitioner namely Pradipbhai Dudhabhai Vankar was found floating in the canal and it was identified by the

relatives through video and thereafter, it get stuck in the canal siphon of village Sanadra, Ta. Galteshwar, Dist. Kheda. Learned AGP Mr. Kanara has therefore, urged that appropriate orders may be passed.

9. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. The fact remains that the Police Inspector of Godhra Town A Police Station has issued certificate (Annexure-E) to the effect that the dead body of the deceased husband of the petitioner was seen floating in the canal siphon and get stuck in the canal siphon and could not be pulled out from the siphon and even N.D.R.F. agency was also called to pull out the dead body from the canal siphon, however, it could not be taken out. Even the relatives of the petitioner has also identified the deceased husband of the petitioner and therefore, the said certificate was issued. Considering all these aspects, the present petition is required to be allowed.

10. In the result, the present petition is allowed. The respondent Nos.2 and 3 are hereby directed to register the death entry of the deceased husband of the petitioner namely Pradipbhai Dudhabhai Vankar and issue death certificate to the petitioner. Rule is made absolute.

(HEMANT M. PRACHCHHAK,J)

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