

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 5190 of 2015 (W)

PETITIONERS:

1. T.P.SOBHANA,
WIFE OF SHRI.K.P.GOVINDAN, ASEERVAD, KALLUVAZHI POST,
OTTAPPALAM, PALAKKAD DISTRICT, PIN-679 514.
2. GOPAN G.,
S/O.SHRI.K.P.GOVINDAN, ASEERVAD, KALLUVAZHI POST,
OTTAPPALAM, PALAKKAD DISTRICT, PIN-679 514.

BY ADVS.SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

1. CHIEF REGISTRAR OF BIRTHS AND DEATHS
DIRECTORATE OF PANCHAYAT,
THIRUVANANTHAPURAM-695 001.
2. DEPUTY DIRECTOR OF PANCHAYATS,
CIVIL STATION, PALAKKAD-678 001.
3. SECRETARY AND REGISTRAR OF BIRTHS AND DEATHS,
POOKKOTTUKAVU GRAMA PANCHAYAT,
POST KALLUVAZHI-679 514.

R BY SMT. C.K. SHERIN, GOVERNMENT PLEADER
R BY SMT.R.LEELA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 5190 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1- A COPY OF THE DRIVING LICENCE.

EXHIBIT P2- A COPY OF CERTIFICATE DATED 24/5/2003 OBTAINED FROM
KENDRIYA VIDYALAYA OTTAPPALAM.

EXHIBIT P3- A COPY OF DECLARATION DATED 29/8/2014.

EXHIBIT P4- A COPY OF CERTIFICATE ISSUED BY THE LAY SECRETARY AND
TREASURER, GOVERNMENT HOSPITAL, OTTAPPALAM.

EXHIBIT P5- A COPY OF REPRESENTATION DATED 14/10/2014, WITH
TRANSLATION.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 5190 of 2015 (W)

Dated this the 4th day of March, 2015.

JUDGMENT

Heard the learned counsel for the petitioners, the learned Government Pleader and the learned counsel for the 3rd respondent, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the first petitioner is the mother of the second petitioner, who was born on 08.06.1987. Though the date of birth was correctly recorded in all the records, the very birth register, in fact, wrongly reflected the date as 08.07.1987, the variance being one month. Seeking correction of date of birth in the birth register, the first petitioner is said to have submitted Ext.P5 request before the 3rd respondent.

3. Ventilating their grievance that Ext.P5 application was not considered by the 3rd respondent, the petitioners have filed the present writ petition.

4. The learned counsel for the 3rd respondent has candidly submitted that in terms of circular dated 08.12.2010, permission is required to be obtained from the first respondent, who is the Registrar, concerning all the corrections of date of birth pertaining to the period prior to 01.04.1970, but with regard to the subsequent period, the 3rd respondent himself is competent. At any rate, she has submitted that, inadvertently, the 3rd respondent forwarded Ext.P5 application to the first respondent, having been under a mistaken impression that the application required prior permission of the said authority.

5. The learned counsel for the 3rd respondent has also submitted that, since the 3rd respondent does not have a copy of Ext.P5, he could not effect necessary corrections. At any rate, it is the singular submission of the learned counsel for the 3rd respondent that if the petitioners submit another application, it will be expeditiously considered.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner

and learned counsel for the 3rd respondent, this Court disposes of the writ petition, leaving it open for the petitioners to submit another application on the same lines as in Ext.P5 to the 3rd respondent, who, thereafter, shall consider it and pass appropriate orders thereon as expeditiously as possible. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

