

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 21094 of 2015 (J)

PETITIONERS:

- 1. MUZAMMIL MUHAMMED ELLATH,
S/O.NAJMA.E, ELLATH HOUSE,
PULLOOKKARA, P.O.CHOKLI, KANNUR-670672.**
- 2. AHNAS MUHAMMED ELLATH,
S/O.NAJMA.E, ELLATH HOUSE, PULLOOKKARA,
P.O.CHOKLI, KANNUR-670672.**

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:

- 1. THE DISTRICT REGISTRAR OF BIRTH AND DEATHS,
HEALTH INSPECTOR GRADE-I,
THALASSERY MUNICIPALITY, THALASSERY,
KANNUR DISTRICT-679532.**
- 2. THALASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
THALASSERY, KANNUR DISTRICT-679532.**

BY ADV. SRI.I.V.PRAMOD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 31/01/2014.
- P2 : TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 13/02/2014.
- P3 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT
08/05/2015.
- P4 : TRUE COPY OF THE ABSTRACT OF ADMISSION REGISTER OF THE
1ST PETITIONER.
- P5 : TRUE COPY OF THE ABSTRACT OF ADMISSION REGISTER OF THE
2ND PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21094 of 2015

Dated this the 5th day of August, 2015

J U D G M E N T

Alleging inaction on the part of the respondent municipality in correcting the date of birth of the petitioners, they have come up before this Court.

2. The petitioners allege that the date of birth of the 1st petitioner is 26.03.1993 and that of the 2nd petitioner is 02.05.1994. As the 1st petitioner wanted to go abroad in connection with his employment, he approached the respondents for birth certificate for the purpose of taking passport. There, he was told that his brother, the 2nd petitioner, is also having the same name, i.e., Muzamil Muhammed Ellath. According to the petitioners, it is a wrong entry made by the Municipality. At that time, as the petitioners have not attained majority, their mother submitted an application for correcting the mistake and issuance of certificate. On receipt of the application, the 1st respondent issued a notice to appear in

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person; and on 13.02.2014, the mother of the petitioners appeared before the 1st respondent. Thereafter, the 1st respondent issued Ext.P3 communication stating that the petitioners have not produced the school records of the 1st petitioner and it is also stated that in the school records of the 2nd petitioner, the date of birth is different. Therefore, the mother of the petitioners again produced Exts.P4 and P5, copies of abstract of admission register issued from the Thayyulathil Muslim L.P. School, Pullookkara. It is alleged that the 1st respondent had not chosen to pass orders making necessary corrections in the register. Hence, this writ petition.

3. Arguments have been heard.

4. The learned Standing Counsel, on instructions, submitted that the petitioners have not produced sufficient documents in support of their claim for correction.

5. In answer to the said submission, the learned counsel for the petitioners, inviting my attention to Exts.P4 & P5 extracts of the admission register of

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petitioners issued from the Thayyulathil Muslim L.P. School, Pullokkara to the petitioners on 15.06.2015, submitted that the date of birth of the 1st petitioner is 26.03.1993 and the 2nd petitioner is 02.05.1994.

6. The petitioners are siblings. Presumably, the mistake crept in the register maintained by the respondent municipality is on account of some inadvertence on the part of the petitioners' parents.

As there are authentic registers to show the date of birth of the petitioners, this writ petition is disposed of directing the respondent municipality to correct the entries in the register and issue birth certificates after making necessary corrections in the light of Exts.P4 & P5 in the event of the petitioners' parents filing a joint affidavit stating their correct date of birth. The entire exercise shall be completed within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-