

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 34025 of 2014 (C)

PETITIONERS:

1. JOSEPH MATHEW,
MANNANCHERIL HOUSE, ARUNASSERI,
KADUTHURUTHY.P.O, KOTTAYAM DISTRICT, PIN-686 604.
2. LISSYAMMA JOSEPH,
MANNANCHERIL HOUSE, ARUNASSERI,
KADUTHURUTHY.P.O, KOTTAYAM DISTRICT, PIN-686 604.

**BY ADVS.SRI.SAJU JOHN
SRI.JELSON J.EDAMPADAM**

RESPONDENTS:

1. KADUTHURUTHY GRAMA PANCHAYAT,
KADUTHURUTHY.P.O, KOTTAYAM DISTRICT, PIN-686 604,
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
KADUTHURUTHY GRAMA PANCHAYAT, KADUTHURUTHY.P.O,
KOTTAYAM DISTRICT, PIN-686 604.

R1 & R2 BY ADV. SRI.RAJESH THOMAS

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE COPY OF THE TEMPORARY BIRTH CERTIFICATE ISSUED BY THE
DIRECTOR OF HEALTH AFFAIRS,MINISTRY OF HEALTH, KINGDOM OF SAUDI
ARABIA

EXT.P1(A) ENGLISH TRANSLATION MADE BY SMT.SHAMEEDA M.M, ASSISTANT
PROFESSOR,MAHARAJAS COLLEGE, ERNAKULAM.

EXT.P2 TRUE COPY OF THE RELEVANT EXTRACT OF THE PASSPORT OF THE 2ND
PETITIONER ,ISSUED ON 10.06.1981

EXT.P3 TRUE COPY OF THE APPLICATION DATED 7.10.1996 CERTIFIED BY THE
SECOND SECRETARY OF EMBASSY OF INDIA, RIYADH

EXT.P4 TRUE COPY OF THE APPLICATION DATED 10.11.2014 SUBMITTED BY THE IST
PETITIONER

EXT.P5 TRUE COPY OF THE LETTER NO.A4-7017/2014 DATED 17.11.2014 OF THE 2ND
RESPONDENT

EXT.P6 TRUE COPY OF THE BIRTH CERTIFICATE DATED 01.10.2005 MENTIONED IN
EXT.P5

EXT.P7 TRUE COPY OF THE REPRESENTATION WITHOUT ITS ENCLOSURES DATED
29.11.2014 SUBMITTED BY THE IST PETITIONER BEFORE THE 2ND
RESPONDENT

EXT.P8 TRUE COPY OF THE AFFIDAVIT OF THE PETITIONERS.

RESPONDENT(S)' EXHIBITS

EXT.R2(A). TRUE COPY OF THE RELEVANT EXTRACT OF BIRTH REGISTER.

/TRUE COPY/

P.A.TO.JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 34025 of 2014 (C)

Dated this the 5th day of February, 2015.

JUDGMENT

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent Grama Panchayath, apart from perusing the record.

2. Briefly stated, the petitioners, being husband and wife, had a son born to them on 29.06.1986 in Saudi Arabia. In the Birth Register maintained by the first respondent Grama Panchayath, entries were, however, made as if the petitioners' son had been born on 06.07.1986 at Mannancherry. Having come to know of this discrepancy, the first petitioner submitted Ext.P4 petition for correction of the entries in the Birth Register. The second respondent, acting as local Registrar, rejected the first petitioner's request through Ext.P5 letter. Aggrieved thereby, the petitioners have approached this Court.

3. The respondent Grama Panchayath has filed its counter affidavit setting out the procedure to be followed with regard to any births that took place outside India. The learned counsel for the

petitioners has drawn my attention to paragraph six of the said counter affidavit and has stated that the petitioners are willing to abide by the procedure to be initiated by the respondent Grama Panchayath in terms thereof to correct the date of birth.

4. The learned Standing Counsel for the respondent Grama Panchayath has submitted that the petitioners have deliberately suppressed the information with regard to the place of birth of their son, and that Section 20 of the Registration of Births and Deaths Act, 1969 (for short 'the Act) provides an elaborate procedure concerning the correction of the entries in the date of birth register with regard to the birth that took place outside the territorial limits of the country.

5. In the light of the submissions made by the respective counsel for the petitioners on one hand and the respondent Grama Panchayath on the other, I do not see any issue to be adjudicated upon. The petitioners are agreeable to the action to be taken on Ext.P4 in terms of Section 20 of the Act, as has been set out in paragraph six of the counter affidavit filed by the respondent Grama Panchayath.

6. In the facts and circumstances, this Court sets aside Ext.P5

with a consequential direction to the second respondent to re-consider the first petitioner's Ext.P4 application and take appropriate steps under Section 20 of the Act, apart from the relevant Rules in that regard. It is made clear that in furtherance of Section 20 of the Act, if the petitioners are required to make any further applications or required to comply with any other procedural aspects, on notice from the second respondent, they shall comply with the same. It is further made clear that the second respondent may expedite and complete the process. At this juncture, it is brought to my notice that the petitioners may have to apply to the Revenue Divisional Officer to have the delay condoned, after cancellation of the present entries by the second respondent. It is left open for the petitioners to take appropriate steps in that regard.

With the above observation, this writ petition stands disposed of.

sd/- DAMA SESHADRI NAIDU, JUDGE.

