

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 34580 of 2014 (V)

PETITIONER:

SACHIN KESHAVAN,
S/O.I.K.KESHAVAN VAZHUNNAVAR, SREEVALSAM,
PUTHIYAVALLAPPU, MELANGOT, P.O.KANHAGAD,
PIN-671315.

BY ADV. SRI.K.T.SHYAMKUMAR

RESPONDENT:

REGISTRAR OF BIRTH AND DEATHS,
KANHANGAD MUNICIPALITY, P.O.KANHANGAD, PIN-671 314.

R-R BY ADV. SRI.T.K.VIPINDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE PETITIONER'S MARKS STATEMENT ISSUED BY CBSE DATED 28.5.2007.

P2: COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED BY THE KANHANGAD MUNICIPALITY DATED 4.3.2013.

P3: COPY OF THE CERTIFICATE ISSUED BY THE KARNATAKA SECONDARY EDUCATION EXAMINATION BOARD IN RESPECT OF PETITIONER'S MOTHER DATED 7.6.1974.

P4: COPY OF THE PAN CARD OF THE PETITIONER'S MOTHER.

P5: COPY OF THE AADHAR CARD OF THE PETITIONER'S MOTHER.

P6: COPY OF THE PASSPORT OF THE PETITIONER'S MOTHER, JAYASREE KESHAVAN.

P7: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER'S FATHER ON PETITIONER'S BEHALF DATED 24.1.2014 BEFORE THE RESPONDENT.

P8: COPY OF THE ONE AND THE SAME CERTIFICATE OF THE VILLAGE OFFICER, BALLA VILLAGE, HOSDURG TALUK DATED 21.1.2014.

P9: COPY OF THE ORDER ISSUED BY THE RESPONDENT DATED 7.2.2014.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 34580 of 2014 (V)

Dated this the 25th day of March, 2015.

JUDGMENT

The petitioner, after completing his Secondary School Education, having noticed discrepancy in his date of birth, made an application to the respondent seeking correction thereof in tune with the date of birth reflected in the hospital records. Through Ext.P2, the second respondent acceded to the request of the petitioner and corrected the date of birth. Later, the father of the petitioner filed Ext.P7 application seeking correction of the initial of his wife, the petitioner's mother, in the date of birth register pertaining to the petitioner's name. Through Ext.P9, the respondent rejected the claim of the petitioner's father to have the surname corrected on the ground that statutorily it is impermissible to file a second application for correction of any entries in the date of birth register pertaining to any person. Aggrieved thereby, the petitioner has filed the present writ petition.

2. With specific reference to Section 15 of the Registration of Births and Deaths Act, 1969, the learned counsel for the petitioner has contended that there is no statutory embargo on making another application for corrections.

3. The learned Standing Counsel for the respondent has, however, contended in support of Ext.P9 that the petitioner or her father as the case may be ought to have filed one comprehensive application bringing to the notice of the respondent any deficiencies in the entries made in the date of birth register concerning the petitioner. According to him, the statute does not permit piece meal approach.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent, apart from perusing the record.

5. Since the bone of contention is whether Section 15 of the Act prohibits any second application for correction of the entries in the date of birth register, it is profitable to extract the same, which reads as follows:

“15. Correction or cancellation of entry in the register of births and deaths.- If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”

6. A perusal of the above provision, to my view, does not indicate anything to conclude that there is any clear statutory embargo on making a second application for correction of whatever nature in the births and deaths register. It can equally be said that there is no specific provision enabling a person to file multiple applications, either. It is, however, a well settled principle of law that the right of a person is always presumed concerning any of his civil activities and no interdiction can be read into the said right. To curtail such rights, there ought to be a clear embargo engrafted into the statute. In other words, a limitation cannot be read into any statute.

In the facts and circumstances, having regard to the

respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent, this Court allows the writ petition setting aside Ext.P9. Consequently, the respondent is directed to consider Ext.P7 application in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

