

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.30300 of 2014

Rajendran

.. Petitioner

v.

1.The District Collector,
Salem.

2.The Tahsildar,
Salem (South) Taluk,
Salem District.

3.The Village Administrative Officer,
Vembadithalam Village,
Salem District.

4.Sundaram

5.Vadivel

6.Subramani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to issue a birth certificate to the petitioner's second daughter namely Gayathri born on 04.12.2008 in Government Hospital at Vembadithalam within the specified period of time fixed by this Court, consequently direct the 1st and 2nd respondents to take appropriate legal action against the respondents 4 to 6 and to direct the respondents jointly and severally to pay sum of Rs.5,00,000/- as a compensation to the petitioner and his daughter within the specific period of time fixed by this Court.

For petitioner

: Mr.T.Ganesan

For respondents

: Mr.V.Jayaprakash Narayanan
Spl.G.P. for R1 to R3
No appearance for R4 to R6

ORDER

Heard Mr.T.Ganesan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, Special Government Pleader for R1 to R3 and perused the materials placed on record including counter affidavit filed by the fourth respondent.

2.The petitioner seeks for a direction upon the second respondent to issue birth certificate for the second daughter born on 04.12.2008 in the Government Hospital at Vembadithalam within a specific time limit.

3.The petitioner was married to one Mekala on 11.11.2002 and the second girl child of the petitioner was born on 04.12.2008 and the copy of the birth slip, issued by the Government Hospital at Vembadithalam shows that the petitioner's wife has delivered female baby at 12.25 p.m. on 14.12.2008. The petitioner has approached the respondents for issuance of birth certificate, based upon all those records. It is seen that due intimation has been given by the Revenue Officials and a copy of the intimation has been filed in the typed set of papers at page No.14. It appears that based upon all those records, birth certificate was issued to the petitioner. When the petitioner approached the second respondent for the grant of benefit sanctioned by the Government for the persons, having two female children, the second respondent refused to extend the benefit on the ground that the birth certificate has not been signed by the authorities concerned. Since the certificate has not been signed, the second respondent was justified in not accepting the certificate by saying that the petitioner is not entitled for such benefits.

4.Learned counsel for the petitioner submitted that the second respondent ought to have verified the genuineness of the records produced with the available records, by making due verification and thereafter to issue the certificate. Further the second respondent has not taken any step in this regard and in fact the petitioner has made very serious allegations against the retired Village Administrative Officer, Present Village Administrative Officer and the Assistant to Village Administrative Officer.

5.The only reason stated in the counter filed by the fourth respondent is that the petitioner has approached the authorities belatedly. That by itself cannot be a ground to reject the petitioner's request for grant of birth certificate. When the petitioner has approached the authorities, there was no due verification of the birth of the second child.

6.From the records placed before this Court, it is seen that the child was born in a Government Hospital and due intimation has been given. In such circumstances, the second respondent has to verify the records produced by the petitioner viz. the intimation given on the same date and whether it tallies with the verification slip issued by the Government Hospital on 04.12.2008 and to find whether the birth is true or not.

7.In the aforesaid circumstances, this Court is of the view that there shall be a direction to the second respondent to issue birth certificate. Accordingly, the second respondent is directed to issue birth certificate to the petitioner's second daughter namely Gayathri born on 04.12.2008 in Government Hospital at Vembadithalam within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vga

To

1.The District Collector,
Salem.

2.The Tahsildar,
Salem (South) Taluk, सत्यमेव जयते
Salem District.

3.The Village Administrative Officer,
Vembadithalam Village,
Salem District.

1 cc to Mr.T.Ganesan, Advocate, Sr. 8868

1 cc to Government Pleader, sr. 9170

W.P. No.30300 of 2014

KK (CO)

kk 3/3