

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15667 of 2015

Mrs.Srimathi Sampath
W/o Late B.S.Sampath
rep.by her Power of Attorney Holder
N.Balasubramanian

...Petitioner

-vs-

The Commissioner
Corporation of Chennai
Chennai 600 003

...Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent herein to register the petitioner's date of birth viz., 07.08.1945 as Srimathi Sampath, D/o S.Ramasamy and Smt.Kanakam Ramasamy born at No.15/35, Vadapalani Andavar Koil Street, Palaniandavar Koil Street, Vadapalani, Chennai 600 026 in the register of birth and death within a stipulated period to be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Balasubramaniam for
Mr.N.Mariappan

For Respondent : Mr.P.V.Selvakumar

ORDER

This writ petition has been filed by Mrs.Srimathi Sampath represented by her power agent seeking a writ of mandamus, directing the Commissioner, Corporation of Chennai, the respondent herein to register her date of birth, namely, 07.08.1945 as Srimathi Sampath, D/o S.Ramasamy and Tmt.Kanakam Ramasamy born at No.15/35, Vadapalani Andavar Koil Street, Palaniandavar Koil Street, Vadapalani, Chennai 600 026 in the register of births and deaths within a stipulated

period to be fixed by this Court.

2. The prayer made by the petitioner is not acceptable to this Court, since the petitioner nowhere in the affidavit has mentioned that she was born in a particular place in the State of Tamil Nadu, therefore, the petitioner should produce the documentary evidence to prove the place of birth. Moreover, as per Section 13(3) of the Registration of Births and Deaths Act, any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a competent Magistrate having jurisdiction after verifying the correctness of the birth or death. Hence, the petitioner is directed to approach the concerned Judicial Magistrate Court for appropriate relief. With this observation, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ss

To

The Commissioner
Corporation of Chennai
Chennai 600 003

1 CC to Mr.N.Mariappan, Advocate SR.No. 34872

1 CC to Mr.P.V.Selvakumar, Advocate SR.No. 34680

सत्यमेव जयते

W.P.No.15667 of 2015

BVR (CO)

PSI (22.07.2015)

WEB COPY