

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.13483 to 13486 of 2013

Dhanasekar	... Petitioner in W.P.No.13483/2013
Pandiyan.T	... Petitioner in W.P.No.13484/2013
J. Francis	... Petitioner in W.P.No.13485/2013
Pandiyan.T	... Petitioner in W.P.No.13486/2013

Versus

1. The Sub-Divisional Magistrate(North),
Department of Revenue and
Disaster Management,
Revenue Complex, Saram,
Puducherry.
 2. The Commissioner,
Oulgaret Municipality,
Reddiyarpalayam,
Puducherry.
- Respondents in all the W.Ps.

Prayer in W.P.No.13483 of 2013:

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to receive and disposed of the petition filed under Section 13(3) of the Registration of Births and Deaths Act 1969, with the procedure established by law.

Prayer in W.P.No.13484 of 2013:

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to receive and disposed of the petition filed for registering the Birth Certificate of Praveen, was born on 24.07.1988, under Section 13(3) of the Registration of Births and Deaths Act 1969, with the procedure established by law.

Prayer in W.P.No.13485 of 2013:

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to receive and disposed of the petition filed under Section 13(3) of the Registration of Births and Deaths Act 1969, with the procedure established by law.

Prayer in W.P.No.13486 of 2013:

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to receive and disposed of the petition filed for registering the Birth Certificate of Prasanth, was born on 30.07.1994, under Section 13(3) of the Registration of Births and Deaths Act 1969, with the procedure established by law.

For Petitioners : Mr.B.Baskaran
For Respondents : Mr.A.Tamilvanan
Government Advocate (Puducherry)

COMMON ORDER

Heard Mr. B.Baskaran, learned counsel appearing for the petitioners and Mr.A.Tamilvanan, learned Government Advocate (Puducherry), appearing for the respondents.

2. In all these writ petitions, the petitioners seek for a direction to the first respondent to dispose of the petition filed under Section 13(3) of the Registration of Births and Deaths Act 1969.

3. According to the petitioners, they were all born in Puducherry, however, they do not have any records to show that their birth was taken place in Puducherry, but, are in possession of some contemporaneous record to show that their birth took place in Puducherry. The petitioners submitted that the representation to the second respondent during July 2012 for issuance of non-availability certificate or any other non registration certificate for non-availability of the petitioner/ children.

4. The learned counsel for the petitioners submitted that the second respondent has stopped issuing such certificates.

5. The learned Government Advocate (Puducherry) on instructions submitted that the submission of the learned counsel for the petitioners is incorrect. The second respondent is issuing non-availability certificate, before which they will verify the other contemporaneous records such as records maintained by primary health Centre, etc. Therefore, if the petitioners produce the same, the second respondent will consider the same.

6. Accordingly, there will be a direction to the petitioners to produce all the contemporaneous records to prove that the child was born in Puduchery and appear before the second respondent along with the copy of this order. If the same is complied with and sufficient documents are produced and if the second respondent is satisfied with the documents produced, the second respondent shall pass appropriate orders in this regard on merits and in accordance with law within a

period of eight weeks from the date on which they appear before the second respondent. Thereafter, it is open to the petitioners to work out their rights in the manner known to law.

7. These writ petitions are disposed of with the above observations. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp/pri

To

1. The Sub-Divisional Magistrate (North),
Department of Revenue and Disaster Management,
Revenue Complex, Saram,
Puducherry.
2. The Commissioner,
Oulgaret Municipality,
Reddiyarpalayam,
Puducherry.

+ 4 ccs to Mr.B. Baskaran, Advocate SR.17987

+ 4 cc Government Pleader Sr.17816 to 17819

KSJ(CO)
EU 15.04.2015

सत्यमेव जयते

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