

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33892 of 2011

ORDER:-

This petition is filed for a writ of *Mandamus* declaring the action and interpretation of the second respondent in his proceedings in Rc.No.15/GHMC/VS/Dy.S.O./2011 dated 17.12.2011 as illegal arbitrary and for a consequential direction to the second respondent to add the name of the petitioner's son as 'Muthyala Gopal Prashanth' in the Birth Register and issue Birth Certificate in the name of the petitioner's son.

2. At hearing, learned counsel for the petitioner submits that this matter is squarely covered by the order, dated 30.06.2009, passed by this Court in W.P.No.12765 of 2009. Learned standing counsel for the respondents has not disputed the same but however, submits that the petitioner has alternate remedy under Rule 9 of The Andhra Pradesh Registration of Births and Deaths Rules, 1999, contained in G.O.Ms.No.655, Health and Family Welfare Department, dated 29.12.1999.

3. A perusal of the order of this Court referred *supra* shows that under the similar circumstances, this Court has disposed of W.P.No.12765 of 2009 on 30.06.2009 giving certain directions and that the present case is squarely covered by the said judgment. No doubt, the petitioner has alternative remedy under Rule 9 of The Andhra Pradesh Registration of Births and Deaths Rules, 1999, contained in G.O.Ms.No.655, Health and Family Welfare Department, dated 29.12.1999, but the instant writ petition was admitted in the year 2011 and as such, this writ petition cannot be dismissed on the sole

ground that the petitioner has alternative remedy under Rule 9 of The Andhra Pradesh Registration of Births and Deaths Rules, 1999 contained in G.O.Ms.No.655, Health and Family Welfare Department, dated 29.12.1999.

4. In view of the above, following the order, dated 30.06.2009, passed by this Court in W.P.No.12765 of 2009, the impugned order is hereby set aside and the writ petition is disposed of with a direction to the second respondent to reconsider the petitioner's application and enter his son's name in the Birth Certificate after satisfying himself that the certificate relates to the son of the petitioner. It is made clear that it is also open to the second respondent to receive any further or additional information from the petitioner for establishing his son's identity. Such exercise shall be completed as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of application of the petitioner. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

20th July, 2015
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