

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12777 of 2016

C.Subish

.. Petitioner

Vs.

1. The Tahsildar,
Cheyyaru Taluk,
Thiruvannamalai District.

2. Zonal Deputy Tahsildar,
Anakavur Division,
Cheyyaru Taluk,
Thiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to issue a revised Birth Certificate mentioning the petitioner's original date of birth 29.05.1992 instead of 29.06.1992.

For Petitioner : Mr.S.P.Satishkumar

For Respondents : Mr.K.Thangapandi, Govt. Advocate.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to issue a revised Birth Certificate mentioning the petitioner's original date of birth 29.05.1992 instead of 29.06.1992.

2. In the affidavit filed in support of the Writ Petition, it is stated by the petitioner that he was born on 29.05.1992 to his parents Mr.Chandran and Mrs.Tamilarasi Chandran at Periya Sengadu Madhura Kannigapuram, Anakavur Village, Cheyyaru Taluk, Tiruvannamalai District. After expiry of more than one month, the parents of the petitioner orally made a request on 10.07.1992 to the Village Administrative Officer, Anakavur Division, Cheyyaru Taluk, Thiruvannamalai District, to register the date of birth of the petitioner and for issuance of the

Birth Certificate in the name of the petitioner. The second respondent issued a Birth Certificate, dated 12.03.1993 bearing Number C.A.87/1993 by wrongly mentioning the date of birth of the petitioner as 29.06.1992 instead of 29.05.1992, which is a rectifiable human error.

3. It is further stated by the petitioner that his parents are illiterates; his father is doing masonry work; his parents were not aware of the wrong entry made in the date of birth of the petitioner and due to their incapability, they could not take steps to correct the date of birth of the petitioner. In the school records, such as matriculation school leaving certificate issued by the Government of Tamil Nadu, the petitioner's date of birth is correctly mentioned as 29.05.1992. The petitioner approached the Tahsildar, Anakavur Division, Cheyyaru Taluk, Thiruvannamalai District personally with a request to correct his date of birth. As no action was taken, he made a representation, dated 03.02.2016 to the first respondent, with a copy marked to the second respondent, requesting correction of the petitioner's date of birth in the Birth Certificate issued to the petitioner. Since no action has been taken by the respondents on the said representation, the petitioner has filed the above Writ Petition.

4. When the Writ Petition is taken up for hearing, learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of the Writ Petition, submitted that the respondents may be directed to dispose of the said representation by correcting the date of birth of the petitioner as 29.05.1992 instead of 29.06.1992.

5. However, learned Government Advocate appearing for the respondents submitted that if the petitioner needs correction of the date of birth in the Birth Certificate issued, he has to only approach the Civil Court and file a suit for declaration of his date of birth and only thereafter, the concerned authority could issue the corrected Birth Certificate.

6. However, in my considered view, the respondents cannot keep the matter pending without disposing of the representation one way or the other. Though this Court is not inclined to issue positive direction as sought for by the petitioner, taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the respondents to consider the said representation of the petitioner, dated 03.02.2016, conduct enquiry, give an opportunity of hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the

merits of the claim of the petitioner and it is for the respondents to decide the same.

7. With the above observations and directions, the Writ Petition is disposed of. No costs.

CS

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Copy to

1. The Tahsildar,
Cheyyaru Taluk,
Thiruvannamalai District.

2. Zonal Deputy Tahsildar,
Anakavur Division,
Cheyyaru Taluk,
Thiruvannamalai District.

+ 1 cc to Mr.S.P.Satishkumar, Advocate Sr 21427

+ 1 cc to The Govt.Pleader, Sr 21838

KR/25/4/16

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