

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.395 of 2016

C.Velu

... Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Secretary,
Home Department,
Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Mylapore,
Chennai-600 004.

3.The Commissioner of Police,
Vepery, Chennai-600 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to pass orders on the petitioner's representation dated 31.01.2015 within the stipulated period as fixed by this Court.

For Petitioner : Mr.S.Parthasarathy

For respondents : Mr.C.Jagadish, Spl GP.

ORDER

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This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to pass orders on the petitioner's representation dated 31.01.2015 within a time frame.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner that he was enlisted as Grade-II Constable in Police Department, on 27.07.1986. During his appointment, he had furnished his the date of birth as 04.03.1962, and the said date was given by his parents while admitting him in the school and the same has reflected during his appointment. On 07.05.1988, ie., within a period of five years from the date of joining in the service, the petitioner sent a representation to the Assistant Commissioner of Police to correct his date of birth as 07.10.1963 according to Birth Certificate issued by the Hospital authority. During the year 2013, the petitioner's mother filed a petitioner in CrI.M.P.No.4756 of 2013 before the Learned Judicial Magistrate, Katpadi seeking to direct the Tahsildar, Taluk Office, Katpadi, to register the Date of Birth of the petitioner as 07.10.1963. In the said petition, after recording evidence, on 05.03.2014, the learned Judicial Magistrate directed the Tahsildar to register the petitioner's Date of Birth as 07.10.1963 based on the Birth Certificate issued by the Hospital Authority. Thereafter, while working as Sub-Inspector of Police at Armed Reserved Police, Pudupet, on 01.08.2015, the petitioner sent a representation to the 3rd respondent to correct his Date of Birth; but, no action has been taken by the respondents. Again on 31.01.2015, the petitioner sent another representation to the respondents stating the above said facts, to correct his Date of Birth. Since the petitioner's representation was not considered by the respondents, the petitioner has come forward with the present writ petition.

3. Heard both sides and perused the materials available on record.

4. Though the learned counsel for the petitioner submitted that the petitioner has given a representation within a period of five years from the date of joining the service, he has not produced any proof to show that the said representation was given within five years and the same was received by the respondents. Even assuming for a moment that the petitioner has made his representation within a period of five years, there is no proper explanation from the petitioner as to why he has not taken any step to follow up the said representation for the past 22 years. Therefore, at this distant point of time, this Court cannot give any direction to consider the representation of the petitioner dated 31.01.2015 with regard to make correction in respect of his Date of Birth. I do not find any valid reason to entertain the present writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(J)

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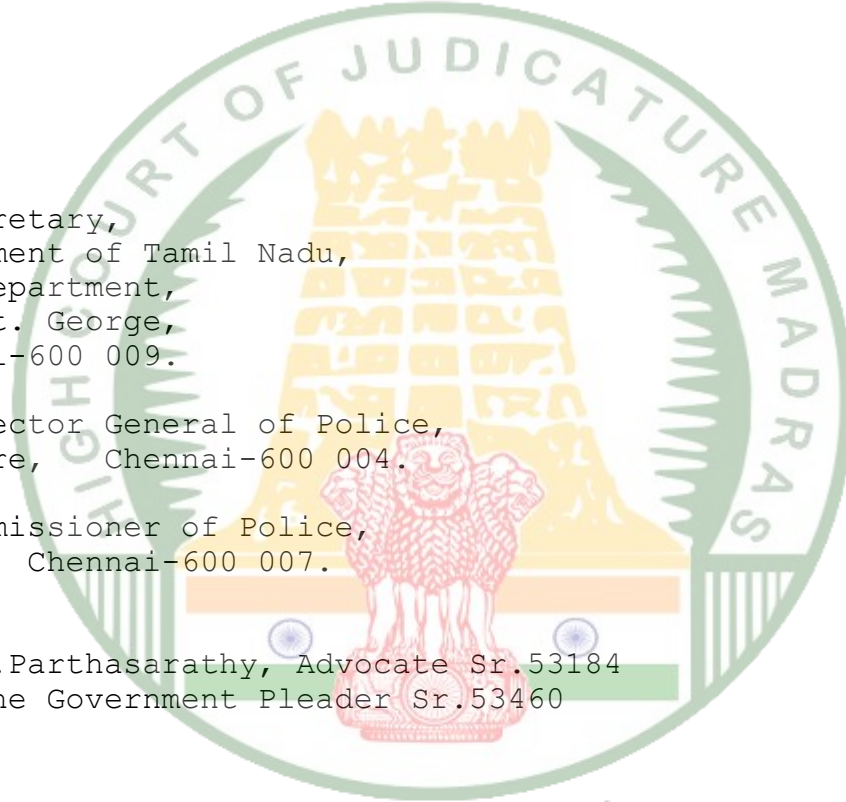
Sub Assistant Registrar

ssv

To

- 1.The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police,
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police,
Vepery, Chennai-600 007.

+1cc to S.Parthasarathy, Advocate Sr.53184
+1cc to the Government Pleader Sr.53460



सत्यमेव जयते

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nr[co]
srg 05/12/2016

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