



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.12933 of 2016

R.Veerabathiran

... Petitioner

Vs.

The Commissioner of Corporation,
O/o.the Birth and Death Registration,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the letter issued by the respondent, dated 22.02.2016 with regard to the application No.C.A.R/16146/15, dated 22.02.2016 and quash the same as illegal, consequently direct the respondent to issue non-availability certificate of the petitioner's daughter's birth.

For petitioner : Mr.S.M.A.Jinnah
For Respondent : Mr.N.Shanmugaselvam

ORDER

The petitioner has applied for Birth Certificate of his daughter Abinaya, Who was born on 14.02.2006, from the Commissioner of Corporation, Madurai on 15.10.2015, for the reason that he has failed to register his daughter's birth, in the office of the Birth and Death Registration, Madurai. Therefore, he has applied for the birth certificate. But the respondent vide proceedings Ref.No.3/CAR/161461/15, dated 18.11.2015, has required the hospital document showing his daughter's birth.

2. It is the claim of the petitioner that due to his ignorance, he was not able to keep the hospital document, as a result, that was lost from his custody. In view of that he has sent a letter, dated 07.12.2015 to the respondent indicating the non-availability of the document issued by the hospital. But the respondent again required five documents including the hospital document. The petitioner submitted all the documents except the hospital document, as the same is not available with him. For that, the respondent sent the impugned proceedings, dated



22.02.2016, to the petitioner directing him to submit the hospital records. Subsequently, the petitioner has made a representation on 10.03.2016. Even thereafter, there is no response. Hence, this Writ Petition.

3. Mr.N.Shanmugaselvam, learned standing counsel takes notice for the respondent.

4. The request of the petitioner shows that he has forgotten to register his daughter's birth. Subsequently, when the petitioner has made an application to issue birth certificate, it was required by the respondent to submit the certificate issued by the hospital relating to his daughter's birth.

5. Considering the facts and circumstances, that the birth and death are to be registered mandatorily the respondent is directed to consider the representation of the petitioner, dated 17.04.2016, without insisting for production of document issued by the hospital relating to the birth of the petitioner's daughter.

With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

The Commissioner of Corporation,
O/o.the Birth and Death Registration,
Madurai Corporation, Aringar Anna Maligai, Madurai.

+1 cc to M/s.N.Shanmuga Selvam, Advocate in SR.No.38929
pm

CSL/ARK-PV/02.08.2016 :2p/3c

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