



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM :

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.21641 of 2016

G.Dhivya

... Petitioner

Vs.

- 1.The Commissioner,  
Madurai Corporation,  
Aringar Anna Maligai,  
Outpost, Thallakulam,  
Madurai - 625 002.
- 2.The City Health Officer,  
Madurai Corporation,  
Aringar Anna Maligai,  
Outpost, Thallakulam,  
Madurai - 625 002.
- 3.The Tashildar,  
Madurai South Taluk,  
Madurai.
- 4.The Sub-Registrar,  
Thiruparankundram,  
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider petitioner's representation dated 19.10.2016 and to take necessary steps to issue a certificate with regard to genuineness of the petitioner birth certificate registration No.332 registered on 27.07.1989.

For Petitioner : Mr.S.Jeyasingh  
For Respondents : Mr.R.Prabu Ramachandran  
for R1 and R2  
Mr.T.S.Mohammed Mohideen  
AGP for R3 and R4

O R D E R

The petitioner is seeking for a Mandamus directing the respondents to consider her representation, dated 19.10.2016, and issue a certificate with regard to the genuineness of her birth certificate with registration No.332 registered on 27.07.1989.



2. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the respondents 3 and 4.

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3. It is seen that the petitioner was given a birth certificate issued by the Executive Officer of Tirunagar Town Panchayat, Madurai, on 21.08.1989 certifying the date of birth as 21.08.1986 with registration No.332. Since the Passport Office insisted for getting a genuineness certificate from the competent registering authority of birth with regard to the birth certificate already issued in her favour, the petitioner approached the first respondent Corporation for issuing the genuineness certificate through the abovesaid representation.

4. The learned counsel appearing for the first respondent Corporation and the learned Additional Government Pleader appearing for the third respondent Tashildar submitted that after the amalgamation of the Thirunagar Town Panchayat with Madurai Corporation, certain records pertaining to the period commencing from 16.05.1989 to 01.09.1989 are not available with the Corporation and therefore, the Corporation is not in a position to issue any genuineness certificate.

5. I do not think that the first respondent is justified in not issuing the genuineness certificate on the reason that certain documents are not available for the abovesaid period, since they were not received from the said Panchayat after amalgamation. If those documents are not available with the Corporation, it is always open to the Corporation to seek for additional documents from the petitioner in support of the certificate already issued by the said Town Panchayat and verify those documents and thereafter, to issue genuineness certificate to the petitioner. Therefore, considering all these aspects, this writ petition is disposed of with a direction to the petitioner to furnish the additional supportive documents in respect of her date of birth apart from the certificate issued by the Thirunagar Town Panchayat, dated 21.08.1989 to the first respondent Corporation, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such particulars from the petitioner, the first respondent Corporation shall verify the same and pass appropriate orders on the petitioner's representation, within a period of four weeks, thereafter. No costs.

Sd/

Assistant Registrar(Records)

/True Copy/



To

- 1.The Commissioner,  
Madurai Corporation,  
Aringar Anna Maligai,  
Outpost, Thallakulam,  
Madurai - 625 002.
- 2.The City Health Officer,  
Madurai Corporation,  
Aringar Anna Maligai,  
Outpost, Thallakulam,  
Madurai - 625 002.
- 3.The Tashildar,  
Madurai South Taluk,  
Madurai.
- 4.The Sub-Registrar,  
Thiruparankundram,  
Madurai.

+1CC to M/S.R.Prabu Ramachandran, Advocate, SR.No. 82049  
+1CC to M/S.S.Jayasingh, Advocate, SR.No. 82073

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20.12.2016

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