



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.22763 of 2016

V.Lakshmanan

: Petitioner

Vs.

1.The Commissioner,
Madurai Corporation, Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first Respondent to register the date of birth of the petitioner's son namely L.Dhanasenthilkumar was born on 08.06.1996 as directed by the second respondent in his letter dated 30.08.2016 in pursuance of the order dated 19.08.2016 in Cr.M.P.No. 1073 of 2016 passed by the Learned Judicial Magistrate No.V, Madurai and as per the representation made by the petitioner dated 28.09.2016.

For Petitioner : M/s.N.Nithiya

For Respondent No.1 : Mr.R.Prabhu Ramachandran

For Respondent No.2 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first Respondent to register the date of birth of the petitioner's son namely L.Dhanasenthilkumar, who was born on 08.06.1996, as directed by the second respondent, in his letter dated 30.08.2016 in pursuance of the order dated 19.08.2016 in Cr.M.P.No. 1073 of 2016 passed by the Learned Judicial Magistrate No.V, Madurai and as per the representation made by the petitioner dated 28.09.2016.



learned Additional Government Pleader, who took notice for the second respondent. By consent, the writ petition itself is taken up for final disposal.

3.0. The case of the petitioner is that the petitioner herein filed Cr.M.P.No.1073 of 2016 before the learned Judicial Magistrate No.V, Madurai, seeking direction to the second respondent to issue the Birth Certificate of the petitioner's son, who was born on 08.06.1996. The learned Magistrate has specifically directed the second respondent to register the birth of the petitioner's son.

3.1. The petitioner made a representation on 24.08.2016 to the second respondent. On 30.08.2016, the second respondent has directed the first respondent to register the date of birth of the petitioner's son. So far no action has been taken. Hence, this writ petition has been filed.

4. A perusal of the order passed in Cr.M.P.No.1073 of 2016 by the learned Judicial Magistrate No.V, Madurai would go to show that the Tahsildar, Madurai North Taluk, Madurai, has been shown as respondent. The learned Magistrate after due enquiry has directed the registration of the birth of the petitioner's son in accordance with the details furnished. It is not known as to what is the difficulty for the first respondent to register the birth of the petitioner's son. Already the petitioner has sent a representation along with the copy of the order passed by the learned Magistrate. Added to that the second respondent has also made a request to the first respondent to register the birth of the petitioner's son.

5. Needless to point out that birth certificates are provided in online by some of the Municipalities and even by Town Panchayats. When a Criminal Court has ordered the registration of the birth of the petitioner's son, there cannot be any impediment for the first respondent to implement the order passed by the Court. Therefore, the first respondent is directed to register the date of birth of the petitioner's son in accordance with the directions issued by the learned Judicial Magistrate No.V, Madurai in Cr.M.P.No.1073 of 2016, dated 19.08.2016, and to issue copy within a period of two weeks, from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/



To

1.The Commissioner,
Madurai Corporation, Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai District.

+1 CC to M/s.N.NITHYA, Advocate, SR No.73644

+1 CC to M/s.R.PRABU RAMACHANDRAN, Advocate, SR No.73628

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.74001

**ORDER MADE IN
W.P (MD) No.22763 of 2016**

smn

SH:10.01.2017:3P/6C

29.11.2016