

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38450 OF 2016

DATED : 16.11.2016

Between :

Mir Mohd Ali Khan S/o.Late Mir Zulfikhar,
Aged about 61 yrs, Occu : Daily Wage Earner,
R/o.H.No.17-1-284, M.B.Hat, Santosh Nagar,
Hyderabad

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

According to the petitioner his father died on 30.05.1997. In the Municipal records death of his father was also recorded as 30.05.1997. However, the name of grand father of the petitioner was wrongly entered. Having come to know that there was a wrong entry of name of his grand father, petitioner applied for correction. The said application was rejected by endorsement dated 04.08.2016 and the petitioner was informed by way of printed objection that his request is not covered by Section 15 of the Births and Deaths Act, 1969 (for short 'the Act').

2. Learned counsel for the petitioner submits that the rejection was erroneous and the claim made by the petitioner is governed by Section 15 of the Act. Therefore, the respondents could not have rejected his claim without looking into the provision.

3. Learned Standing Counsel submits that after long lapse of time, petitioner made application for correction. Therefore, such application is not maintainable.

4. A bare perusal of the endorsement would show that it is a printed form and 10 reasons are listed out for rejection. One of them being 'e' which reads "Correction not covered under Section 15 of B & D Act 1969". Except marking this entry, no other reason is assigned.

5. A reading of Section 15 of the Act, would show that correction can be sought and made if entry was erroneous in form or substance or has been fraudulently or improperly made. If what is stated by learned Standing counsel is also true, the same should

have been assigned while rejecting the application. On the face of it, it cannot be said that the provision under Section 15 of the Act, is not attracted. The authority ought to have considered the application by assigning due reasons and communicated the decision without circulating the printed proforma.

6. Having regard to the same, the Writ Petition is allowed. The endorsement impugned in the writ petition is set aside and the matter is remitted to the 3rd respondent for re-consideration of issue and for passing appropriate orders duly assigning the reasons in support of his decision, within four (4) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

16th November, 2016
Rds

P.NAVEEN RAO,J

