

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.05.2017
CORAM :
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
W.P No. 11441 of 2017
and WMP No.12418 of 2017

L.Poyyamoli

.. Petitioner

Vs.

The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003.

..Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent to issue Non-availability Certificate in Form No.10 under Rule 13 of The Tamil Nadu Registration of Births & Death Rules 2000, to the petitioner's son.

For Petitioner : Mr.P.Saravanan
For Respondent : Mr.P.V.Selvakumar
Standing Counsel

O R D E R

By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondent to issue Non-availability Certificate in Form No.10 under Rule 13 of the Tamil Nadu Registration of Births & Death Rules 2000.

3. The case of the petitioner is that he got married to his wife Tholkappiam and during the lawful wedlock, they were blessed with a son named Pugazhendhi on 28th October 1981, when he was residing at Plot No.29A, Venkatesa Nagar Extension-I, 1st Street, Virugambakkam, Chennai 600 092. However, due to the nature of work, the petitioner failed to register his son's date of birth in the respondent-Corporation.

4. The petitioner would further state that his son is now working in USA, and he requires the birth Certificate of his son for renewal of the passport. So, the petitioner approached the respondent-Corporation on 05.08.2016, to get Non-availability Certificate for verification of passport, and also gave a

representation dated 01.08.2016, requesting the respondent to issue Non-availability Certificate. Though the respondent has received the said representation and acknowledged the receipt on 05.08.2016, so far, the petitioner's son has not been issued with the said certificate. Hence, the petitioner has filed the present Writ Petition.

5. Heard Mr.P.Saravanan, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, the learned Standing Counsel appearing for the respondent-Corporation.

6. Considering the nature of prayer sought for in the writ petition, and the submissions made by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 01.08.2016, and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (VO)

True Copy

Sub-Assistant Registrar

ga/ds

To:

The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai 600 003.

+1 cc to Mr.P.V.Selvakumar Advocate sr 37181

+1 CC to Mr.P. Saravanan, sr 37266(15/05/2017)

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