

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2017

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The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.2081 of 2017

C.R.Rajalakshmi

[Petitioner]

Vs

1. The Commissioner,
Greater Chennai Corporation,
Office of the Greater Chennai Corporation,
Ripon Buildings, Chennai 3.
2. Greater Chennai Corporation,
Department of Public Health,
By its City Health Officer,
Ripon Buildings, Chennai 3.
3. The Zonal Health Officer (Vital Statistics),
Public Health Department,
Corporation of Chennai,
Ripon Buildings, Chennai.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus to call for the records in ROC No.PRC No.7314/ZHO(VS)/2016 dated 09.12.2016 on the file of the respondent No.3 and quash the same and grant direction directing the respondents 1,2 and 3 herein, to correct petitioner's birth certificate as 14.12.1945 instead of 15.12.1945 and issue the duly corrected Birth Certificate or new Birth Certificate within seven days.

For Petitioner

: Mr.S.R.Sundaram

For Respondents

: Mr.P.V.Selvakumar, SC

ORDER

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records in respect of the order dated 09.12.2016 passed by the 3rd respondent and to quash the same and further direct the respondents 1 to 3 to correct the date of birth in her birth certificate as 14.12.1945 instead of 15.12.1945 and to issue the duly corrected Birth Certificate to her.

2. It is the case of the petitioner that she is now aged 71 years and that her date of birth is 14.12.1945, which has been incorporated in the declaration form dated 28.08.1959 signed by her father viz., late P.Srinivasa Iyengar, Advocate, High Court, Madras. It is the further case of the petitioner that her date of birth has been mentioned as 14.12.1945 in the S.S.L.C. Certificate dated 08.06.1961, Passport issued on 23.02.2011, in the Aadhar Card, Marriage Certificate dated 22.08.2016. However, in the birth certificate issued by the respondents, her date of birth has been mentioned as 15.12.1945. The Birth certificate was issued on 26.09.2016. Therefore, the petitioner, has given a representation dated 23.11.2016 to the respondents 1 and 2 to rectify the mistake in the birth certificate. However, the 3rd respondent, by his order dated 09.12.2016, rejected the request of the petitioner. Challenging the said order, the petitioner has filed the above writ petition.

3. Heard the learned counsel for the petitioner and Mr.P.V.Selvakumar, learned Standing Counsel for the respondents and perused the materials available on record.

4. On a perusal of the documents produced by the petitioner, i.e., the declaration form dated 28.08.1959, the S.S.L.C. Certificate dated 08.06.1961, the Passport issued on 23.02.2011, the Aadhar Card and the Marriage Certificate dated 22.08.2016, it could be seen that the date of birth of the petitioner has been mentioned as 14.12.1945. Contrary to the same, only in the birth certificate, the date of birth of the petitioner has been mentioned as 15.12.1945.

5. The learned counsel for the petitioner submitted that the petitioner's son and daughter have decided to take her to USA along with her husband and for the said purpose they require the birth certificate of the petitioner. Since the date of birth mentioned in the birth certificate differs from the other records produced by the petitioner, the learned counsel for the petitioner submitted that the date of birth which has been wrongly mentioned in the birth certificate should be corrected and a fresh certificate should be issued to the petitioner, enabling her to travel to USA and stay with her children.

6. The respondents have filed their counter, wherein, they have stated that as per the records maintained with them, the date of birth of the

petitioner has been mentioned as 15.12.1945. Since the petitioner has established that her date of birth is 14.12.1945, by producing all the necessary documents, I am of the view that the date of birth of the petitioner has been incorrectly entered in the birth certificate issued by the respondents. That apart, the petitioner has produced documents of the year 1959 and 1961 to establish that her date of birth is 14.12.1945. The respondents have not considered the relevant documents to come to a conclusion with regard to the date of birth of the petitioner.

7. In these circumstances, the impugned order dated 09.12.2016 issued by the 3rd respondent is set aside and the 3rd respondent is directed to issue a fresh birth certificate mentioning that the date of birth of the petitioner as 14.12.1945, within a period of ten days from the date of receipt of a copy of this order.

With these observations, the writ petition is allowed. No costs.

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22.08.2017

Note: Issue on 23.08.2017.

To

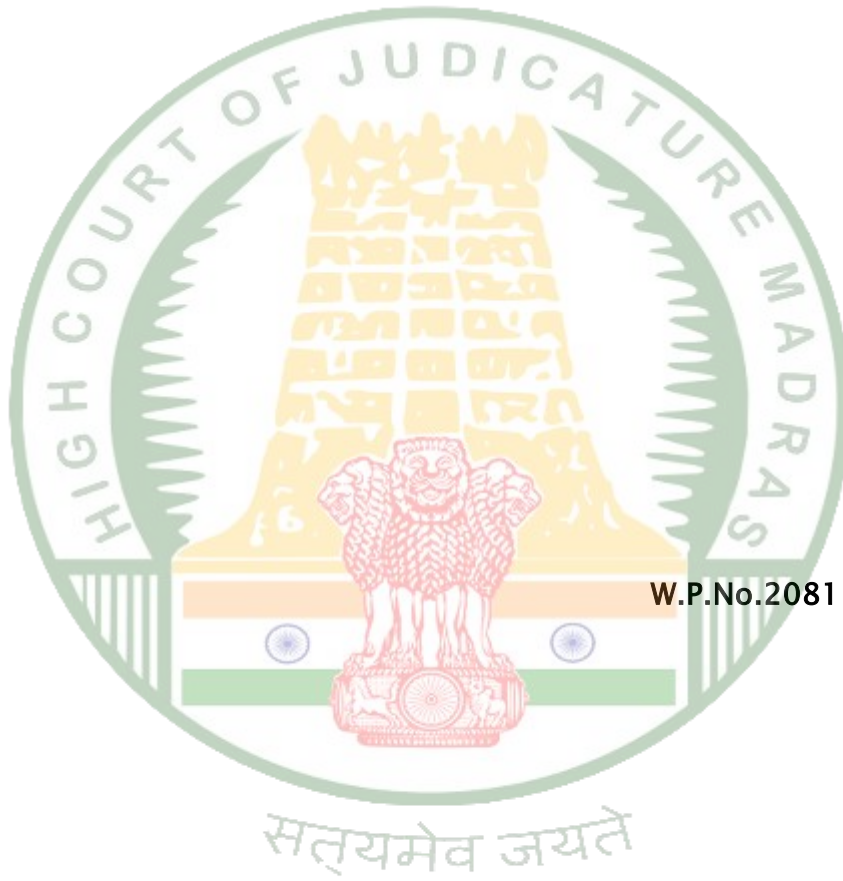
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M. DURAISWAMY,J.

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