

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.38101 of 2016
and
WMP.No.4000 of 2017

T.Vadivel

... Petitioner

v.

1.The Executive Officer,
Chinna Salem Municipality,
Villupuram District.

2.The Sub Registrar-cum-
Registrar of Births and Deaths,
Chinna Salem,
Villupuram District.

... Respondents

(R2 impleaded as per the order dated
02.08.2017 in WMP.No.11742 of 2017)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to alter my date of birth in the birth certificate from 07.04.1981 to 01.04.1981 by considering the petitioner's representation dated 14.10.2016.

For Petitioner : Ms.C.Meena for
Mr.R.Jayaprakash

For R1 : Mr.V.Jayaprakash Narayanan

For R2 : Mr.S.V.Dorai Solaimalai, AGP

ORDER

The petitioner has filed the above Writ Petition for a writ of Mandamus, directing the respondents to alter his date of birth in the birth certificate from 07.04.1981 to 01.04.1981 by considering his representation dated 14.10.2016.

2. According to the petitioner, he was born on 01.04.1981. However, his date of birth has been wrongly registered with the second respondent as 07.04.1981.

3. The learned counsel for the petitioner submitted that in the 10th and 12th standards mark sheets, transfer certificate, bank passbook and Aadhaar Card, the date of birth of the petitioner has been correctly mentioned as 01.04.1981. However, in the birth certificate alone, it has been wrongly mentioned as 07.04.1981. In such circumstances, the petitioner submitted a representation on 14.10.2016 to correct his date of birth as 01.04.1981, instead of 07.04.1981.

4. Mr.V.Jayaprakash Narayanan, learned counsel for the first respondent submitted that after a lapse of more than 35 years, the petitioner is seeking to alter his date of birth and therefore, the

remedy open to him is to file a Civil Suit by rectifying the mistake crept-in, in the birth certificate.

5. However, Mr.S.V.Dorai Solaimalai, learned Additional Government Pleader taking notice for the newly impleaded second respondent, submitted that the petitioner may be directed to produce all the records before the second respondent for consideration.

6. Having considered the submissions made by the learned counsel on either side, the petitioner shall produce all the records to establish his date of birth as 01.04.1981 before the second respondent within a period of two weeks from the date of receipt of a copy of this order and on production of the relevant documents by the petitioner, the second respondent shall consider the petitioner's representation dated 14.10.2016 in the light of those documents by conducting enquiry and pass orders in accordance with law, within a period of eight weeks thereafter.

With this observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

rk

02.08.2017

M.DURAI SWAMY, J.

rk

To

- 1.The Executive Officer,
Chinna Salem Municipality,
Villupuram District.
- 2.The Sub Registrar-cum-
Registrar of Births and Deaths,
Chinna Salem,
Villupuram District.



W.P.No.38101 of 2016

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