



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.06.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.6685 of 2017

M.Palanichamy

..Petitioner

Vs

The Sub Registrar,
Kannivadi Sub Registrar Office,
Dindigul District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent herein to consider the petitioner's representation dated 28.02.2017 to make correction in the date of birth of his daughter Parimaladevi which is wrongly entered in the Birth Certificate registered as on 18.12.1981 as per the section 15 of Tamilnadu Registration of Birth and Deaths Act and Rule 11 of Tamilnadu Registration of Birth and Death Rules, 2000 and to issue birth certificate of petitioner's daughter with date of birth as on 01.03.1981.

For Petitioner :M/s.D.Selvaraj

For Respondent :Mr.M.Alagathevan
Spl.Govt.Pleader

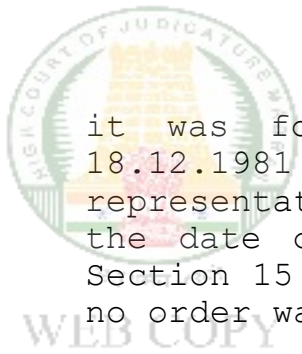
ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondent herein to consider the petitioner's representation dated 28.02.2017 to make correction in the date of birth of his daughter Parimaladevi .

2. By consent of both parties, the main Writ Petition is taken up for disposal.

3. According to the petitioner his second daughter was born on 01.03.1981 at Chockalingapuram, Kannivadi Dindigul District. After completing her studies, his daughter is presently residing in USA along with her family members.

4. The petitioner would further state that on the request of his daughter, the petitioner approached the respondent to issue Birth Certificate to his daughter Parimaladevi. After verification,



it was found that the date of birth was wrongly entered as 18.12.1981 instead of 01.03.1981. Hence, the petitioner made a representation, to the respondent on 28.02.2017 for correction of the date of birth as per the School records and Passport, under Section 15 of Tamilnadu Registration of Birth and Deaths Act. Since no order was passed, the present Writ Petition was filed.

5. Mr.D.Selvaraj, learned Counsel for the petitioner would submit that in a similar case this Court in W.P.(MD).No.15643 of 2016 directed the Commissioner of Vickramasaingapuram Municipality to consider the representation for correction of date of birth. In the above said judgment Reported Judgment the Hon'ble Court has held as follows:

"...5. As per Section 15 of Tamil Nadu Registration of Births and Death Act, 1969, the respondent has power to correct any wrong entry made in the Birth Register, provided that it should be proved to the satisfaction of the Register that the entry has been made wrongly. Apart from that, as per the Rule 11 of Tamil Nadu Registration of Births and Deaths Rules, 2000, if any matter reported that a clerical and formal error is made in the register, the Registrar shall enquire into the matter, if satisfied that any such error has been made, he shall correct the error."...

6. Considering the submission made by the learned counsel for the Petitioner, without going into the merits of the case, this Court directs the respondent to consider the representation of the Petitioner, dated 28.02.2017 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Sub Registrar,
Kannivadi Sub Registrar Office,
Dindigul District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.59391

+1cc to M/s.D.SELVARAJ Advocate in SR. No.59125

TA/CP

<https://hcservices.courts.gov.in/hcservices/>
JS/RRR/SAR.1/30.6.2017/2P-4C

W.P(MD)No.6685 of 2017

07.06.2017