

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 199 OF 2018

Shaileja M. Narvencar @ Prachi
Chanekar.

..... Petitioner.

Versus

Registrar of Birth & Death, and
Another.

..... Respondents.

Mr. Devidas Pangam, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Mr. Arun
Taulikar, Addl. Govt. Advocate for Respondent No.1.

Mr. Ryan Menezes, Advocate for Respondent No.2.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 11 April 2018.

P.C.:

Heard the learned Counsel for the parties.

2. The learned Counsel for Respondent No.2-Village Panchayat states that the necessary registration could not be carried out since order passed on 26 October 2016 by the learned Judicial Magistrate, First Class, Panaji refers to the Sub-Registrar, Panaji, Tiswadi, Goa, and not to Respondent No.2.

3. The learned Advocate General points out that the Competent Authority is Respondent No.2 and as per law, it is the Respondent No.2 who will have to carry out the correction. If this is the only impediment in the way of Respondent No.2, then we clarify that the order of the Magistrate shall be construed as directions to the “Competent Authority”. From perusal of the order passed by the learned Magistrate, we do not find that there is any specific reason given for issuing directions to the Sub-Registrar as such, except on the premise that the Sub-Registrar is the Competent Authority.

4. In view of this clarification and since Respondent No.2 is the Competent Authority, Respondent No.2 will take necessary steps within a period of two weeks from today.

5. The Writ Petition is disposed of.

6. All parties to act on authenticated copy of this order.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.