

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3007 of 2018

R.Geetha

..Petitioner

vs

The Unique Identification Authority of India (UIDAI)
Government of India,
Ministry of Electronics & Information Technology
Regional Office, 3rd Floor, South Wing
Khaniya Bhavan, No.49, Race Course Road,
Bengaluru - 560 001

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to forthwith update the petitioner's biometrics (fingerprints and iris images) for the Aadhaar Card No.7453 9248 7110 issued to the Petitioner and activate the said Aadhaar Card.

For Petitioner : M/s.S.Radha Gopalan

For Respondent : Mr.Venkataswamy Babu

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to forthwith update the petitioner's biometrics (fingerprints and iris images) for the Aadhaar Card No.7453 9248 7110 issued to the Petitioner and activate the said Aadhaar Card.

2.The grievance of the writ petitioner is that she made an application to get an Aadhaar Card from the respondent. However, even after registering the name of the writ petitioner, the Aadhaar Card issued to the writ petitioner had not been activated. When the petitioner enquired about the non-activation of the Aadhaar Card, the respondent informed to the petitioner that there were some mistakes in the entries. Then also, the writ petitioner made a request to issue a fresh Aadhaar Card in accordance with the procedures as contemplated. However, no progress has been made either to correct the existing Aadhaar

Card or to issue a fresh Aadhaar Card to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

3.The learned counsel appearing on behalf of the respondent made a submission that Aadhaar Enrolment is carried out on the basis of acceptable supporting documents for verification as per Aadhaar Regulations Schedule II{Aadhaar(Enrolment & Update) Regulations, 2016 Clause-10(2)} by providing biometrics including all ten finger prints and scans of both iris of the resident. The claim of the writ petitioner that Aadhaar No.7453 9248 7110 was issued based on the Enrollment No.2007/13183/59283 dated 13.09.2013 13:15:43 was verified and found correct. However, when the petitioner applied for Aadhaar, it was rejected by the system, as his biometrics were matching 100% with the petitioner i.e., her husband. As biometrics are unique to a person this situation could not have happened unless the husband has provided his biometrics for his wife, which establishes that they have willfully tried to deceive the process of enrolment.

4.Admittedly, there was some mistakes either by the husband or by the wife, while registering the biometrics. However, it was found by the authorities, at the time of activating the Aadhaar Card issued to the writ petitioner. The writ petitioner pleads innocence of these confusions in the system maintained by the respondent. This being the factum of the case, this Court is of an opinion that the authorities would have cancelled the existing Aadhaar Card both for the writ petitioner as well as to her husband and issue a fresh Aadhaar Card by registering their biometrics.

5.Further, the learned counsel for the respondent admitted the fact that the writ petitioner is eligible to submit a fresh application for issuance of Aadhaar Card in accordance with the procedures and also to submit an application to cancel the existing Aadhaar Card. सत्यमेव जयते

6.Under these circumstances, the writ petitioner is directed to submit a letter of cancellation to cancel the Aadhaar Card already issued to the writ petitioner and in the event of receiving any such letter, the respondents are directed to consider the same and cancel the existing Aadhaar Card granted in favour of the writ petitioner and issue a fresh Aadhaar Card after following the procedures as contemplated under the regulations. If there is a conflict in respect of the Aadhaar Card issued to the husband of the writ petitioner, the petitioner's husband is at liberty to submit an application for cancellation of existing Aadhaar Card and to apply fresh issuance of the Aadhaar Card. The exercise should have been done

by the respondent within a period of four weeks from the date of receipt of an application for cancellation, received from the writ petitioner.

7. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

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Sub Assistant Registrar
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To

The Unique Identification Authority of India (UIDAI)
Government of India,
Ministry of Electronics & Information Technology
Regional Office, 3rd Floor, South Wing
Khanija Bhavan, No.49, Race Course Road,
Bengaluru - 560 001

+1cc to Mr.S.RADHA GOPALAN Advocate, S.R.No.54515
+1cc to Mr.VENKATASWAMY BABU, Advocate, S.R.No. 54396

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SPD (CO)
TR (14/08/2018)

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