

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.28501 of 2017

R.Kathikeyan

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Egmore Taluk,
Mayor Ramanathan Salai,
Chetpet, Chennai 600 031.
 2. The Dean,
Government Hospital for Women and Children,
Egmore, Chennai 600 008.
 3. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.
- ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the first respondent to direct the 3rd Respondent to register Petitioners birth consequentially provide the Petitioner with the Birth Certificate within a stipulated period fixed by this Court by considering the petitioner's representation dated 03.08.2017.

For Petitioner: Mr.L.Ramkumar

For Respondents: Mr.D.Suryanarayanan for R1 and R2
Additional Government Pleader
Mr.K.Soundararajan for R3

O R D E R

Mr.D.Suryanarayanan, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.K.Soundararajan, learned counsel takes notice for the third respondent.

2.The petitioner seeks for a mandamus directing the first respondent to pass appropriate order, directing the third respondent to register his birth and consequently, provide him a Birth Certificate, based on his representation dated 03.08.2017.

3.Heard both sides.

3.The case of the petitioner is that he was born on 19.05.1998 at the Government Hospital for Women and Children, Egmore and due to oversight, his birth records were not forwarded to the Corporation Office for registration of his birth. It is further stated that since the birth is not registered within one year from the date of birth, the competent Authority to consider such request is now the Executive Magistrate, not below the rank of Revenue Divisional Officer, as per Rule 9 (3) of the Tamilnadu Registration of Births and Deaths Rules, 2000. Therefore, the petitioner made a request before the first respondent on 03.08.2017, for issuing a direction to the third respondent to register his birth and issue a Birth Certificate accordingly. As the said representation/application given before the first respondent is not considered so far, the present writ petition is filed before this Court.

4.Considering the above stated facts and circumstances and in view of the fact that the petitioner has already approached the first respondent and filed an application on 03.08.2017, it is for the first respondent to consider the same and pass orders on its own merits and in accordance with law. Accordingly, without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of, by directing the first respondent to consider the application of the petitioner dated 03.08.2017 and pass orders on merits and in accordance with law, after giving due opportunity of hearing within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vri

To

1.The Revenue Divisional Officer,
Egmore Taluk,
Mayor Ramanathan Salai,
Chetpet, Chennai 600 031.

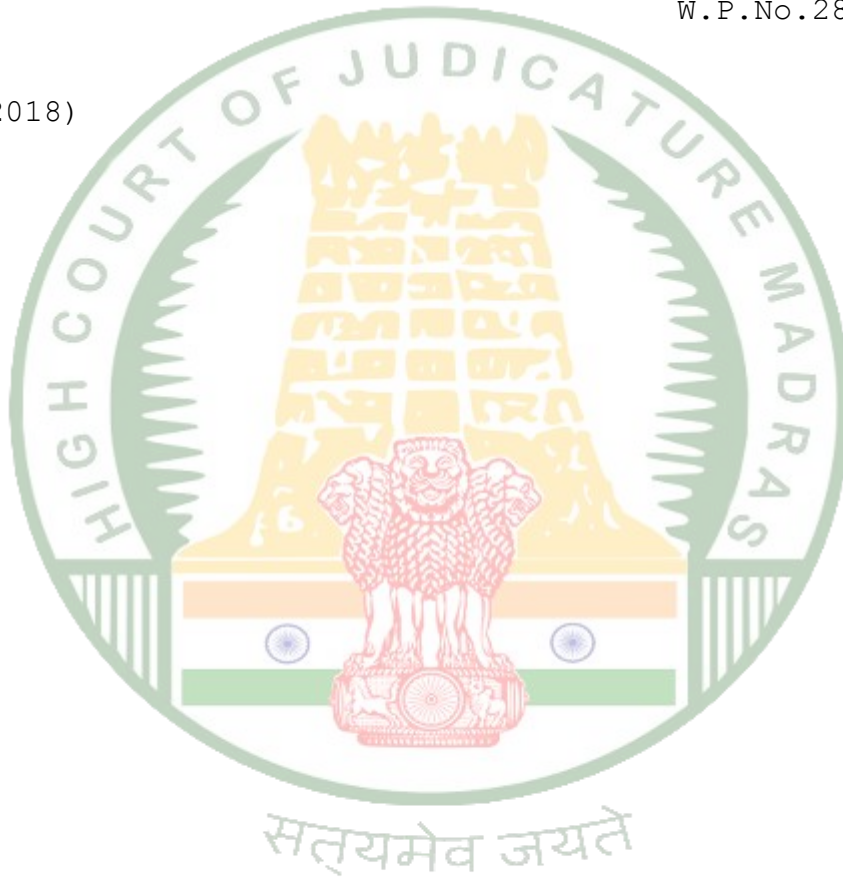
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2.The Dean,
Government Hospital for Women and Children,
Egmore, Chennai 600 008.

+1 CC to Mr.L. Ramkumar, advocate sr 2493.
+1 CC to Govt. Pleader sr 2385.

W.P.No.28501 of 2017

KJ (CO)
SP (02/02/2018)



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