

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.37514 of 2016

R.Shabila

.. Petitioner

Vs.

1. The Assistant Director,
Health Department,
Tadco Building, Chennai main road,
Villupuram, Villupuram District.

2. The Executive Officer,
Vadakkanandal Town Panchayat,
Chinnasalem Taluk,
Villupuram District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner representation dated 08.09.2016 and direct the respondents 1 and 2 to carry out the corrections in the birth certificates dated 13.09.2002 and 22.12.2015 issued by the second respondent.

For Petitioner : Mr.V.Gunasekar

For Respondent -1 : Ms.R.Janaki
Additional Government Pleader

ORDER

The petitioner has come up with this writ petition seeking a direction to the respondents 1 and 2 to consider his representation dated 08.09.2016 to carry out the corrections in the birth certificates dated 13.09.2002 and 22.12.2015 issued by the second respondent.

2. According to the learned counsel for the petitioner, the petitioner is having three sons, namely, (i) Mohammed Mathani

(ii) Mohammed Sharukhanand and (iii) Mohammed Thanish, who were born on 21.09.2000, 12.12.2001 and 06.12.2005 respectively. The petitioner applied for birth certificates for his three sons to the second respondent. Accordingly, the second respondent had issued the birth certificates dated 13.09.2002 and 22.12.2005 in Form-V to the petitioners' sons, in which, the petitioner's name was wrongly mentioned as Habibulla instead of R.Shabila. Hence, the petitioner approached the second respondent for correction of his name in birth certificates dated 13.09.2002 and 22.12.2005 issued by the second respondent for his sons. It is further stated that the petitioner's name was correctly mentioned in all I.D. proof such as Voter ID, Passport, Ration Card, Driving License and Aadhaar card. As the petitioner's younger son is going to higher studies, the authorities are insisting to produce the correct birth certificate mentioning his father name as R.Shabila. Therefore, the petitioner has sent a representation dated 08.09.2016 to the respondents 1 and 2 by RPAD seeking to rectify the errors that had crept in in the birth certificates. Till date, the respondents have not considered the said representation. Hence, the petitioner is before this Court.

3. Heard Ms.R.Janaki, learned Additional Government Pleader on behalf of the first respondent.

4. A counter affidavit has been filed by the second respondent stating that the place of birth of children is Government Primary Health Centre, Kachirayapalayam. For the first and second child, the name and address of the informer is mentioned as Dr.A.Rajendran, Government Primary Health Centre, Kachirapalayam and it was entered in Form-1 and seal was also affixed and the same was registered by the second respondent's office as Birth Register Nos.286 and 265 dated 29.09.2000 and 26.12.2001 respectively. For the third child, the name and address of the informer is mentioned as Dr.Vanithamani, Government Primary Health Centre, Kachirapalayam and it was entered in Form-1 and seal was also affixed and the same was registered by the second respondent's office as Birth Register No.254 dated 22.12.2005.

5. As the entries themselves are based on information given by the Doctors attached to the Government Primary Health Centre, Kachirapalayam, there the mistake would have crept in.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 08.09.2016 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as

well as the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order. It is open to the respondents to conduct an enquiry in the said village where the petitioner is residing. The petitioner is also directed to produce the relevant records available with him for the said purpose.

7. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Assistant Director,
Health Department,
Tadco Building, Chennai main road,
Villupuram, Villupuram District.
2. The Executive Officer,
Vadakkanandal Town Panchayat,
Chinnasalem Taluk,
Villupuram District.

+1 cc to Mr.V.Gunasekar, Advocate Sr.No.10998

W.P.No.37514 of 2016

BR(CO)
CSL/15.03.2019

सत्यमेव जयते

WEB COPY