



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A(MD)NO.322 OF 2019

R.Rengapandeewari

:Appellant/Petitioner

.vs.

1.The Commissioner,
Madurai Corporation,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.24548 of 2018, dated 17.12.2018.

Prayer in WP(MD). 24548/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue Birth Certificate to the petitioners son V.Prakashraj and petitioner's daughter V.Swetha to the petitioner.

For Appellant :Mr.R.Venkatesan

For Respondents :Mr.A.K.Baskarapandian,
Special Govt.Pleader

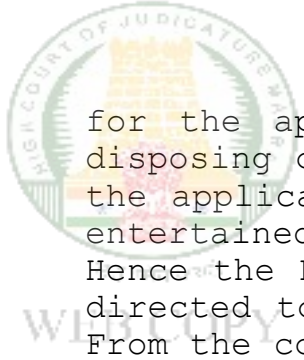
JUDGEMENT

[Judgment of the Court was made by **S.S.SUNDAR, J.**]

This Writ Appeal is directed against the order of the learned Single Judge in W.P(MD)No.24548 of 2018, dated 15.12.2018.

2.This is a simple case where the appellant's application for getting Birth Certificate is turned down, as she has not approached the appropriate authority. In this case, it is not in dispute that the birth of the appellant's children was not registered. Hence as per Sub-Rule(3) of Rule 9 of the Tamil Nadu Registration of Births and Deaths Rules, 2000, the Executive Magistrate not below the rank of a Revenue Divisional Officer is the appropriate authority to register the birth of the appellant's children.

3. Though a direction was granted to the appellant by the learned Single Judge to approach the Revenue Divisional Officer, the apprehension expressed before this Court by the learned counsel



for the appellant is that the Revenue Divisional Officer is not disposing of such applications as it is expected from him and that the applications are unnecessarily delayed. This Court has already entertained a Public Interest Litigation on the very same issue. Hence the Revenue Divisional Officer, Madurai District, Madurai is directed to consider the appellant's representation dated 16.7.2018. From the communication, dated 26.7.2018, received from the Revenue Divisional Officer, Madurai District, Madurai/the second respondent herein, the Revenue Divisional Officer has requested the Tahsildar, Madurai(North), Madurai, to take appropriate action and submit a report to him. This would indicate that the Revenue Divisional Officer who is competent to issue the said Certificate, is not inclined to dispose of the application by himself, on the basis of the informations given by the appellant, but requires further information from the Tahsildar. The process will continue as the Tahsildar may not know the personal details of appellant. It will be appropriate only if the scope of enquiry is confined to the verification of particulars given by appellant. If the respondents have no material or information to disbelieve the statement of the appellant as to the actual date of birth, the Revenue Divisional Officer cannot reject the application.

4.Hence, the Revenue Divisional officer, Madurai District, Madurai/the second respondent herein is directed to consider the application/representation of the appellant, dated 16.7.2018 for issuance of Birth Certificate to her children and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The learned counsel for the appellant also undertakes to produce the relevant documents, so that the application/representation need not be returned or rejected on trivial grounds.

5.The second respondent/The Revenue Divisional Officer, Madurai District, Madurai is directed to file a compliance report before this Court, within a period of four weeks, from the date of receipt of a copy of this order, failing which, the Second Respondent shall appear before this Court in person, on that day.

6.With the above directions, the Writ Petitions stands disposed of. No costs.

7.Registry is directed to post the matter after four weeks, for **'reporting compliance'**.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1.The Commissioner,
Madurai Corporation,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

COPY TO:

The Section Officer,
Judicial Department
Madurai Bench of Madras High Court,
Madurai

+1cc to Mr.R.Venkatesan, Advocate, SR.No.54533

JUDGMENT MADE IN
W.A (MD) NO.322 OF 2019
15.03.2019

SP/21.03.2019/ 3P/5C