



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.18979 of 2019

WEB COPY

S.Thirumalai

... Petitioner

vs.

1.The Director of Public Health and Preventive
Medicine and Chief Registrar of Births and Deaths,
Department of Public Health and Preventive Medicine,
No.359, Anna Salai,
Chennai - 600 006.

2.The Commissioner,
Registrar of Birth and Deaths,
Kadayanallur Municipality,
Kadayanallur,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representations dated 29.09.2018 and 18.12.2018 based on the supporting documents submitted by the petitioner and issue the rectified birth certificate to the petitioner's grandson namely 'Murugesan, S/o.Mariyappan as recorded on 13.11.1998 instead of 14.11.1998 within the stipulated time frame fixed by this Court.

For Petitioner : Mr.S.Vanchinathan

For R - 1 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

For R - 2 : Mr.M.Rajarajan,
Government Advocate.

ORDER

Mr.S.Vanchinathan, learned counsel on record for writ petitioner; Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, who has accepted notice on behalf of first respondent and Mr.M.Rajarajan, learned Government Advocate who has accepted notice on behalf of second respondent are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.



3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representations dated 29.09.2018 and 18.12.2018 wherein writ petitioner has sought alteration of Date of Birth of his grandson.

4. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representations of the writ petitioner, dated 29.09.2018 and 18.12.2018 with rectification request, details of which have been alluded to supra.

5. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representations dated 29.09.2018 and 18.12.2018 made by the writ petitioner (page Nos.11 and 15 clean copy of the typed set of papers forming part of the case file).

6. It is made clear that in the course of the representations being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representations. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

7. The aforesaid representations dated 29.09.2018 and 18.12.2018 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

8. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the date of completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (P&A)

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To

1.The Director of Public Health and Preventive
Medicine and Chief Registrar of Births and Deaths,
Department of Public Health and Preventive Medicine,
No.359, Anna Salai,
Chennai - 600 006.

2.The Commissioner,
Registrar of Birth and Deaths,
Kadayanallur Municipality,
Kadayanallur,
Tirunelveli District.

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-85721[F] dated 06/09/2019

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-85776[F] dated 06/09/2019)

+1 CC to M/s.GP (SR-85908[F] dated 09/09/2019)

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