

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.7999 of 2020

Anagha Unni

Petitioner

vs.

1. The District Collector
Dharmapuri,
Collectorate,
Dharmapuri - 636 705.
2. The Tahsildar,
Harur,
Harur Taluk Office,
Dharmapuri District,
PIN - 636 903.
3. The Village Administrative Officer,
Sittlingi Village,
Harur Taluk,
Dharmapuri District - 636 906.

Respondents

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondent No.2 & Respondent No.3 to issue Birth Certificate to the petitioner's male child name Alok Cheran who was born on 23.03.2019 (1:17 AM) at Tribal Hospital, Sittlingi Village by not mentioning the (biological) father's name in it on the basis of the petitioner's application dated 09.07.2019 and consequently direct the 2nd respondent to pay appropriate compensation as fixed by this Court for the inconvenience caused to the petitioner due to the inordinate delay in issuing Birth Certificate to petitioner's new born child.

For Petitioner : Mr.C.Prabhu

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to issue a birth certificate for the male child of the petitioner and to award compensation for the inconvenience caused to the petitioner due to the delay in issuing the birth certificate.

2.The learned counsel for the petitioner submitted that after filing of the writ petition, birth certificate was issued on 12.05.2020. The learned counsel further submitted that the petitioner is a single parent and she was unnecessarily made to run from pillar to post and was compelled to fill up the name of the father of the child. The learned counsel submitted that the child belongs to a single parent, and the respondent ought not to have insisted for the name of the father.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4.It is clear from the submissions made by the learned counsel for the petitioner that the main relief sought for in this writ petition no more survives in view of the issuance of the birth certificate on 12.05.2020. When the petitioner has taken a very specific stand that she is a single parent, the respondents ought not to have insisted for mentioning of the father's name. The law on this issue has been settled by the Hon'ble Supreme Court of India in the case of ABC vs. The State (NCT of Delhi) reported in 2015 (5) CTC 547. The respondents probably were not aware about this position of law. In the said judgment, the Hon'ble Supreme Court has held that an affidavit to the effect that the applicant is a single parent is enough to consider the application for issuance of birth certificate. It will also be useful to refer to the judgment of the Hon'ble Supreme Court in the case of ABC vs. The State (NCT of Delhi), reported in 2015 (10) SCC 1. This Court only expects that the concerned authorities will take note of the settled position of law and not make single parents run from pillar to post for the purpose of getting a birth certificate for their children.

5.This writ petition is disposed of accordingly. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssr

To

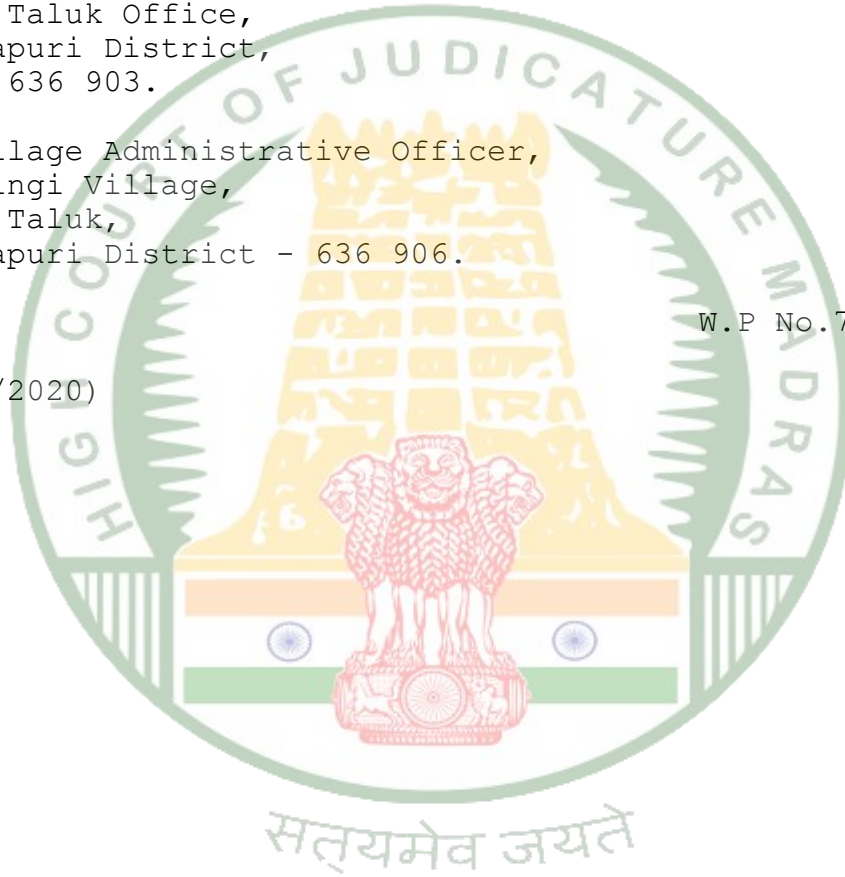
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RSV(CO)
RMP (23/07/2020)



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