

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.14236 of 2019

R.Gajendiran

...Petitioner

Vs.

1.The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road
Chennai 600 028

2.The District Registrar
No.63/40, Perumal Street
Tindivanam 604 001

3.The Sub-Registrar
No.1/1, Sannadi Street
Marakkanam 604 303

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for records relating to order No.279/G2/2019 dated 20.03.2019 and letter No.16230/G2/2019 dated 16.07.2019 passed by the first respondent and quash the same and direct the first respondent to alter the entry relating to date of birth in the Marriage Registration Certificate on the basis of birth certificate as 23.09.1983 instead of 05.01.1985.

For Petitioner : Ms.G.Thamizharasi

For Respondents : Mr.T.M.Pappiah, Sp. G.P.

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O R D E R

The writ petition has been filed in the nature of Certiorarified Mandamus, calling for records relating to order No.279/G2/2019 dated 20.03.2019 and letter No.16230/G2/2019 dated 16.07.2019 passed by the first respondent viz. The Inspector of General Registration, Chennai and to quash the same and direct the said official to alter the entry relating to

the date of birth in the Marriage Registration Certificate of the petitioner from 05.01.1985 to 23.09.1983.

2.The petitioner R.Gajendran is a Srilankan National who came to India in the year 1990 when he was seven years old along with his family members by boat. He did not have a birth certificate. He however had school education in India. He had married an Indian National on 01.02.2008. The marriage was registered under the Hindu Marriage Act in the Registrar Office, Marakanam on 06.05.2011. He had given his date of birth at the time of Registration of Marriage as 05.01.1985. He then went back to Srilanka. Only then did he come to know that his original date of birth is 23.09.1983. Therefore, after coming back to India, he approached the authority who had registered his marriage and sought rectification of his date of birth to 23.09.1983.

3.The petitioner originally made a representation to the 2nd respondent on 26.11.2018, seeking such correction and since orders were not passed within a reasonable period of time, the present writ petition was filed in the nature of Mandamus, seeking a direction against the respondents.

4.The first respondent, the Inspector General of Registration, has passed an order rejecting the claim of the petitioner by order dated 21.03.2019. The said order was passed, on the basis of a representation and the representation does not reflect that copies of relevant documents had actually been enclosed.

5.Therefore, once again, the petitioner has given a further representation on 10.04.2019 enclosing the following documents;

1.Birth certificate dated 14.10.2015 issued by the Srilankan Government along with translated copy dated 24.3.2016 of the same.

2.One-way Passport dated 23.05.2016 issued by the Srilankan Embassy in India.

3.National Identity Card dated 03.10.2016 issued by the Srilankan Government.

4.Srilankan Passport issued on 04.10.216.

6.The first respondent viz. the Inspector General of Registration has again passed an order which is impugned in this writ petition on 16.07.2019 and stated that the earlier order dated 21.03.2019 cannot be revisited.

7.Heard Mr.Pappiah, the learned Special Government Pleader, appearing on behalf of the respondents.

8.It is clear that the first respondent viz. the Inspector General of Registration, had simply stated that his earlier order dated 23.01.2019 cannot be revisited though additional materials were provided relating to the date of birth of the petitioner. The first respondent has to apply his mind on the said doubts and if he had entertained any doubt, he should have offered an opportunity of personal hearing to the petitioner. The power to change the date of birth is vested with the said official.

9.In the present case, stating that earlier representation was rejected, the first respondent had stated that the said representation cannot be revisited. The first respondent had not stated any reasons for rejecting the application.

10.The first respondent is directed once again to examine the entire issue. During this process, the Inspector General of Registration viz. the first respondent may issue notice to the petitioner for personal appearance, and examine the doubts which are submitted by the petitioner and thereafter, apply his mind to the facts, arrive at a conclusion based on subjective satisfaction and the pass an order with reasons. The entire exercise should be completed on or before 31.03.2020.

11.With the above observation, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions if any is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To:

1.The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road
Chennai 600 028

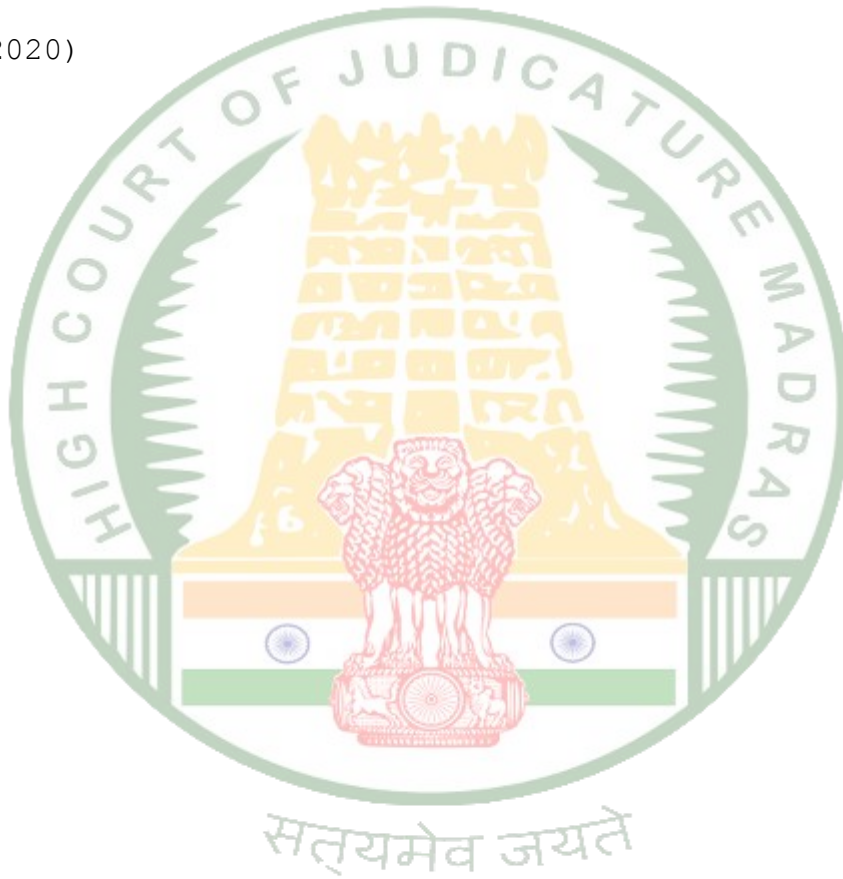
2.The District Registrar
No.63/40, Perumal Street
Tindivanam 604 001

3.The Sub-Registrar
No.1/1, Sannadi Street
Marakkanam 604 303

+1cc to Mr.Giridhar & Sai Associates, S.R.No. 5035
+1cc to the Government Pleader, S.R.No. 5739

W.P.No.14236 of 2019

LN (CO)
GN (20/02/2020)



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