



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14452 of 2020

Nalini Rajarathinam,
represented by her Power Agent/Father,
S.Rajarathinam

.. Petitioner

Vs.

The Registrar of Births and Deaths/The Commissioner,
Tiruchirappalli City Municipal Corporation,
Bharathidasan Salai,
Cantonment,
Tiruchirappalli - 620 001

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 22.09.2020 filed to change the erroneously mentioned Date of Birth to the correct Date of Birth.

For Petitioner : Mr.Shangar Murali

For Respondents : Mr.N.S.Karthikeyan
Standing counsel

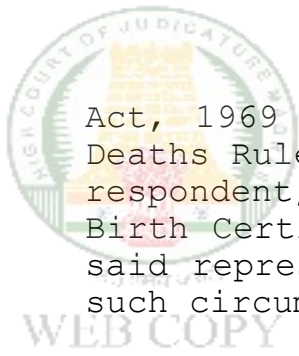
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 22.09.2020, seeking for change of the Date of Birth from 14.08.1986 to 14.05.1986.

2.Heard Mr.Shangar Murali, learned counsel for the petitioner. Mr.N.S.Karthikeyan, learned Standing counsel accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, she is a permanent resident of the United States of America and while applying for Green Card from the Government of United States of America, recently, she noticed that the Date of Birth has been wrongly mentioned in her Birth Certificate as 14.08.1986 instead of 14.05.1986. According to her, excepting the Birth Certificate, all other records like Passport, Pan card, School records and College Records, discloses her correct Date of Birth, which is 14.05.1986. Therefore, as per the provisions of Section 15 of the Registration of Birth and Deaths



Act, 1969 r/w Rule 11 of the Tamilnadu Registration of Births and Deaths Rules, 2000, she gave a representation, on 22.09.2020, to the respondent, calling upon them, to correct her Date of Birth in the Birth Certificate issued by them. According to her, till date, the said representation has not been considered by the respondents. In such circumstances, this writ petition has been filed.

5.No prejudice will be caused to the respondents, if the representation of the petitioner dated 22.09.2020, is considered by them on merits and in accordance with law. As seen from the affidavit filed in support of the writ petition, the petitioner is a permanent resident of United States of America and she has also applied for a Green Card. As seen from the affidavit filed in support of the writ petition, excepting the Birth Certificate, the other records reveal the Date of Birth of the petitioner as 14.05.1986, which according to the petitioner, is the correct Date of Birth. There seems to be some urgency for the petitioner, with regard to her representation made to the respondent seeking for correction of Date of Birth as she has already applied for a Green Card from the Government of United States of America, as seen from the affidavit filed in support of the writ petition.

6.This Court has also perused and examined Section 15 of the Registration of Births and Deaths Act, 1969 as well as Rule 11 of the Tamilnadu Registration of Births and Deaths Rules, 2000, which enable any party to seek correction of the Birth Certificate.

7.For the forgoing reasons, this Court directs the respondents to consider the petitioner's representation dated 22.09.2020, for correction of her Date of Birth in her Birth Certificate from 14.08.1986 to 14.05.1986 and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Registrar of Births and Deaths/The Commissioner,
Tiruchirappalli City Municipal Corporation,
Bharathidasan Salai,
Cantonment,
Tiruchirappalli - 620 001.

+1 CC to M/s.SHANGAR MURALI, Advocate (SR-20411[F] dated 16/10/2020)

W.P (MD) .No.14452 of 2020
15.10.2020

VR (CO)

AP (06/11/2020) 3P 3C