

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 29.03.2021  
C O R A M  
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE  
W.P.No.8803 of 2014

S.Padmavathy ... Petitioner  
Vs.

1.The Sub Divisional Magistrate (South),  
Villianoor,  
Puducherry.

2.The Commissioner,  
Mannadipet Commune Panchayat,  
Thirubhuvanai,  
Puducherry.

3.The Registrar of Births & Deaths,  
Mannadipet Commune Panchayat,  
Thirubhuvanai,  
Puducherry.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the order of the Sub Divisional Magistrate (South), Villianoor, Puducherry, the first respondent herein dated 04.07.2013 passed in Cr.M.P. No.4 of 2013 and quash the same and consequently direct the said 1<sup>st</sup> respondent herein to issue the Birth Certificate to the petitioner, S.Padmavathy.

For Petitioner :Mr.C.K.M.Appaji

For Respondent :Mr.A.V.Ramalingam  
Additional Government Pleader (Pondy)

O R D E R

This writ petition has been filed challenging the order dated 04.07.2013 passed by the first respondent rejecting the petitioner's application seeking for issuance of birth certificate under section 13(3) of the Registration of Birth and Death Act, 1969.

2. The petitioner has primarily challenged the impugned order on the ground of violation of principles of natural justice. According to the petitioner, the respondents have overlooked several documents submitted by the petitioner to establish her case that she was born on 18.08.1952 at

Kalitheerthalkuppam Pet Village, Puducherry to her parents namely Vasudevan and Veerammal.

3. However it is the contention of the respondents that the petitioner is not entitled for a birth certificate as she is aged 63 years and her mother's native place is Pondicherry and his father's native place is in Tamilnadu. It is also their case that only based on the Tahsildar's report, the petitioner's application was rejected under the impugned order.

4. Heard Mr.C.K.M.Appaji, learned counsel for the petitioner and Mr.A.V.Ramalingam, learned Additional Government Pleader (Pondicherry) for the respondents.

5.This court has perused and examined the impugned order. Under the impugned order, though there is reference to exhibits P1 to P5 marked on the side of the petitioner, the nature and details of the said exhibits are not disclosed. The respondents under the impugned order has also not given reasons as to why those exhibits were rejected. The contention raised by the respondents in the counter affidavit filed before this Court has not been disclosed in the impugned order.

6. The petitioner has filed the following documents namely: (a) Horoscope of the petitioner, (b) Birth Certificate of Elumalai, (c) Voter's ID card of petitioner's father Mr.Vasudevan, (d) Voter's ID card of the petitioner, (e) Birth Certificate of petitioner's mother, (f) ID card of N.Narayanan, (g) ID card of N.Egambaram, (h) Family card, (i) Letter by the Arulmigu Sri Muthumariamman Alaya Committee, (j) Letter by the Local Administration Dept., Puducherry, (k) Letter by the Home Department, (l) Affidavit filed by N.Egambaram, (m) Affidavit filed by Narayanan, (n) Application for NOC by the petitioner with clean copy, (o) Letter by Mannadipet Commune Panchayat, Thirubuvanai, Puducherry, (p) Letter by Sub Inspector of Police, Thirubuvanai, Puducherry and (q) Non availability certificate issued by Mannadipet commune Panchayat, Thirubuvanai, Puducherry.

7. As seen from the impugned order, the documents filed before this Court have not been considered by the respondents. Hence this Court is of the considered view that principles of natural justice has been violated by the respondents and the impugned order will have to be necessarily quashed and the matter remanded back to the respondents for fresh consideration on merits and in accordance with law.

8. For the foregoing reasons, the impugned order dated 04.07.2013 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on the petitioner's application seeking for

issuance of birth certificate and the first respondent shall pass final order on merits and in accordance with law after affording a fair hearing to the petitioner and also by granting her personal hearing within a period of four months from the date of receipt of a copy of this Order.

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

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To

- 1.The Sub Divisional Magistrate (South),  
Villianoor,  
Puducherry.
- 2.The Commissioner,  
Mannadipet Commune Panchayat,  
Thirubhuvanai,  
Puducherry.
- 3.The Registrar of Births & Deaths,  
Mannadipet Commune Panchayat,  
Thirubhuvanai,  
Puducherry.

+1CC TO MR.C.K.M.APPAJI, ADVOCATE, SR NO 20611  
+1CC TO M/S.GOVERNMENT ADVOCATE, SR.NO. 20403

W.P.No.8803 of 2014

PMK (CO)  
KKN 29.04.2021

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