



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.23732 of 2021

Dr.P.Malavika

... Petitioner

vs.

1. State of Tamil Nadu,
represented by its Secretary,
Revenue Department,
Fort St. George,
Chennai 600 009.

2. The Tahsildar,
Mambalam - Guindy Taluk,
Bharathidasan Road,
60 Feet Road,
West Jaffer Khanpet,
Chennai 600 083.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in the impugned order in proceedings Application No.TN-3202110122065, Transaction Ref.No.TNTACCHN 00739934, dated 20.10.2021, and quash the same and direct the 2nd Respondent herein to issue Nativity Certificate to the Petitioner, since she has been a permanent resident and native of Tamil Nadu for the last 25 years.

For Petitioner : M/s.G.Vijay Anand Associates

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate

O R D E R

Petitioner has come up with this Writ Petition challenging the impugned order dated 20.10.2021 passed by the 2nd Respondent and for a direction to the 2nd Respondent herein to issue Nativity Certificate to her, since she has been a permanent resident and native of Tamil Nadu for the last 25 years.



2. According to the Petitioner, she was born on 28.08.1996 at Kochi, Kerala and is a Doctor by profession and is permanently residing in Chennai. Her father and mother were also born in Kerala. However, even prior to her birth, from 1992 onwards, they have been permanently residing at Chennai for the last 29 years and that, her father has been conducting business in the field of Electrical Engineering. Her father was originally a Partner in a firm viz. M/s.Mark Lighting Solutions Private Ltd., Chennai. Later, the said firm was incorporated as a Company under the Companies Act, in the year 2008 and business is being carried out at Jafferkhanpet, Chennai.

3. It is further stated by the Petitioner that, she has been a permanent resident of Chennai for the last 25 years except for her education in the field of Medicine for 5 years, which she studied at S.S. Institute of Medical Science and Research Centre, Devanagiri, Karnataka. She did her pre-School at B.S.Mootha Girls Senior Secondary School in the year 2000 and from then onwards, she continuously studied till XII Standard in Chennai. The Petitioner did her House Surgeoncy/Internship Course at Christian Medical College, Vellore and later on, she has been permanently residing at Chennai, carrying on avocation in the field of Medicine during Corona pandemic.

4. With an intention to join Post Graduation in Medicine in Tamil Nadu, the Petitioner took part in NEET (PG) Exam and secured 18419th rank. Based on the said ranking, she obtained an Application for admission in PG Course at Tamil Nadu and one of the criteria for admission to P.G. Course is a Nativity Certificate from the competent Authority. Accordingly, the Petitioner made an Application seeking Nativity Certificate from the 2nd Respondent on 12.10.2021 with all necessary documents. However, her Application was rejected by the 2nd Respondent on 20.10.2021, without assigning any reasons.

5. Learned counsel for the Petitioner contended that, the 2nd Respondent mechanically issued the impugned order, rejecting the Petitioner's Application for issuance of Nativity Certificate, without taking note of the Petitioner's Family Card, Voter ID Card, Driving Licence and the Sale Deed relating to the property owned by her father.

6. Learned Government Advocate appearing for the Respondents submitted that, though the Petitioner claims that, she is a resident of Tamil Nadu, in order to prove the same, she has filed her Family Card issued in the year 2005 and other documents and hence, this Court may issue a direction to the Authorities for fresh consideration in accordance with Government Orders.



7. It is seen that, the Petitioner's Application for issuance of Nativity Certificate has been rejected without taking note of the issuance of Family Card to the Petitioner's father in the year 2005. Without any discussion on merits, non-consideration of the said document is detrimental to the impugned order dated 20.10.2021 passed by the 2nd Respondent, the same is set aside and the matter is remitted to the 2nd Respondent for fresh consideration. The 2nd Respondent is directed to consider the Petitioner's Application for issuance of Nativity Certificate on merits and in accordance with law, after affording her an opportunity of hearing and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is allowed with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)
To:

1. The Secretary,
State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai 600 009.
2. The Tahsildar,
Mambalam - Guindy Taluk,
Bharathidasan Road,
60 Feet Road,
West Jaffer Khanpet,
Chennai 600 083.

+1cc to M/s.G.Vijay Anand Associates, Advocate, S.R.No.59127

+1cc to the Government Pleader, S.R.No.59469

W.P.No.23732 of 2021

AJB (CO)
CT 01/12/2021