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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.3008 of 2017

Indhumathi

...Petitioner

Vs

1.The Sub-Registrar,
Marakkanam,
Villupuram District.

2.The Tahsildar,
Taluk Office,
Thindivanam,
Villupuram District.

3.The Revenue Inspector,
Taluk Office,
Marakkanam (South),
Thindivanam Taluk,
Villupuram District.

4.The Village Administrative Officer (VAO),
Taluk Office,
Marakkanam (South),
Thindivanam Taluk,
Villupuram District.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the first respondent to issue birth certificate in favour of the petitioner's father namely J.Jegadeesan, S/o. Jeyarama Giramani with incorporating his name in the name column of birth register based on earlier birth certificates dated 05.05.2014 & 03.06.2015, which were issued in favour of the petitioner, by strictly following proceedings No.Mu.Mu.A4/8276/2012 dated 14.09.2012 passed by the second respondent as referred in the earlier birth certificates.

For Petitioner	:	Mr.Prakash Adiapadam
For Respondents	:	Mr.M.Shahjahan Special Government Pleader



ORDER

This Writ Petition has been filed, for the issuance of Writ of Mandamus, directing the first respondent to issue birth certificate in favour of the petitioner's father namely J.Jegadeesan, S/o. Jeyarama Giramani with incorporating his name in the name column of birth register based on earlier birth certificates dated 05.05.2014 & 03.06.2015, which were issued in favour of the petitioner, by strictly following proceedings No.Mu.Mu.A4/8276/2012 dated 14.09.2012 passed by the second respondent as referred in the earlier birth certificates.

2.The case of the petitioner is that, the petitioner is in the process of getting French Nationality based on her grand parents citizenship. For that purpose, the petitioner is required to produce certain authorised documents. One of the document is the birth certificate of her parents. Therefore, she made an application on 18.05.2016, for getting fresh birth certificate of her father. But, the first respondent issued birth certificate without mentioning her father's name. Therefore, the petitioner made a representation before the first respondent requesting to issue the birth certificate mentioning her father's name. The first respondent disposed of the said representation made by the petitioner stating that the birth certificate was issued as it was registered.

3.The learned counsel for the petitioner would submit that the petitioner's father was born on 07.12.1932 and at that time his birth was registered without mentioning the name. Thereafter, the petitioner's father made a representation to the first respondent requesting to incorporate his name in his birth certificate. Considering his representation, an enquiry was conducted by the respondents 3 and 4 and the petitioner's father name was incorporated vide proceedings No.Mu.Mu.A4/8276/2012 dated 14.09.2012. Thereafter on 05.05.2014 and 03.06.2015, the petitioner father obtained birth certificate for other purposes, in which the petitioner's father name was incorporated. Therefore, he seeks a direction to the first respondent to issue birth certificate incorporating his father's name in the name column of birth register based on earlier birth certificates dated 05.05.2014 and 03.06.2015.

4.In reply, the learned Special Government Pleader appearing for the respondents would submit that the respondents will verify the records and will consider the request of the petitioner.



5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on records.

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6. Upon hearing and perusal of the records, it appears that the first respondent has already issued birth certificate to the petitioner's father incorporating his name on couple of occasions i.e on 05.05.2014 and 03.06.2015. The latest birth certificate was issued on 18.05.2016, where the petitioner's father name was not included. Further, it appears that the birth certificate is required to be submitted by the petitioner for the purpose of getting red seal for making application for French Citizenship.

7. From the perusal of the guidelines for making application for getting French Citizenship, it appears that birth certificates of the applicant's parents needs to be obtained from the appropriate officer, which is not later than three months from the date of making application for getting red seal. Therefore, this Court does not find any wrong on the part of the petitioner and she required the certificate for the purpose of getting French Nationality. Since already on two occasions the birth certificate was issued incorporating the petitioner's father name, there is no infirmity to the first respondent to issue certificate incorporating the petitioner father's name.

8. In view of the above, this Court directs the first respondent verify the records and issue birth certificate to the petitioner's father including his name Jegadeesan S/o. Jeyaramam Giramani by following proceedings No. Mu.Mu. A4/8276/2012 dated 14.09.2012 passed by the second respondent as referred in the earlier birth certificates, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The Sub-Registrar,
Marakkanam,
Villupuram District.

2. The Tahsildar,
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3. The Revenue Inspector,
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Thindivanam Taluk,
Villupuram District.

+1 CC to Mr. Prakash Adiapadam, Advocate sr 65041
+1 CC to The Government Pleader sr 65825

W.P.No.3008 of 2017

VSNII (CO)
SP(16/12/2021)