



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 13.09.2021  
CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

WEB COPY

W.P(MD).No.16291 of 2021

M.Rajamani

... Petitioner

**Vs.**

1.The District Collector,  
District Collector Office,  
Madurai.

2.The Revenue Divisional Officer,  
Usilampatti,  
Madurai District.

3.The Thasildar,  
Usilampatti,  
Madurai District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's application dated 04.11.2019.

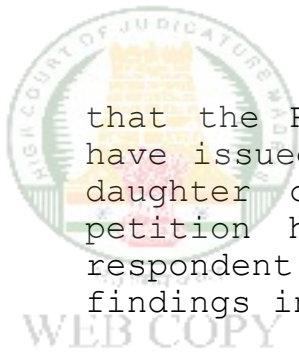
For Petitioner : Mr.P.Palani  
For Respondents : Mr.P.Subbaraj  
Counsel for the State

**ORDER**

The petitioner seeks the issuance of a birth certificate.

2. The petitioner states that she was born on 11.06.1947 to her mother Peyamal and father Ponnuchamy Thevar in the village of Poruppu Mettupatti, Usilampatti Taluk, Madurai District. The petitioner states that her parents separated on account of the disputes between them. The petitioner also states that she has come to know that legal heirs of her father through his second wife, namely, Panchavarnam, are taking steps to take over all his properties. In the circumstances, it is stated that the petitioner applied for a birth certificate before the Sub-Registrar of Sindupatti and such authority issued a non-availability certificate on 04.11.2019.

3. Subsequently, on the basis of a representation dated 04.11.2019 from the petitioner, it is stated that proceedings were initiated and an inquiry was conducted. On such basis, it is stated



that the Revenue Inspector and the Village Administrative Officer have issued communications to the effect that the petitioner is the daughter of Peyammal and Ponnuchamy Thevar. The present writ petition has been filed in view of the failure of the second respondent to issue a birth certificate in spite of the aforesaid findings in the inquiry.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the second respondent may be directed to proceed with and conclude the inquiry after putting all the affected parties on notice.

5. The petitioner has enclosed a copy of the non-availability certificate dated 04.11.2019. The said certificate reveals that the birth of the petitioner was not registered under the Registration of Births and Deaths Act, 1969. However, the petitioner has also enclosed the report sent by the Thasildar to the jurisdictional Revenue Divisional Officer. Such report also contains the communications from the Revenue Inspector and the Village Administrative Officer. On this basis, the petitioner has made out a case for the consideration of her representation in accordance with law.

6. However, in view of the fact that the birth certificate has been applied for in order to make a claim to the properties of Ponnuchamy Thevar, it would be necessary to put the children of the said Ponnuchamy Thevar, namely, Pandi, Rajangam and Muthulakshmi on notice before a decision is taken on the petitioner's application for a birth certificate.

7. Accordingly, without going into the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 26.04.2021 and conduct an inquiry on such basis by providing a reasonable opportunity to the petitioner and the children of the late Ponnuchamy Thevar, namely, Pandi, Rajangam and Muthulakshmi. Upon conclusion of such inquiry, the second respondent is directed to issue a reasoned order within a period of 3 months from the date of receipt of a copy of this order.

8. W.P.(MD).No.16291 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

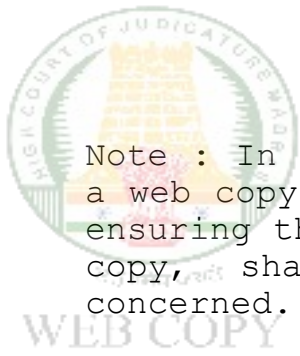
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/ /2021

Sub Assistant Registrar(CS)

Sbn

<https://hcservices.ecourts.gov.in/hcservices/>



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

- 1.The District Collector,  
District Collector Office,  
Madeira.
- 2.The Revenue Divisional Officer,  
Usilampatti,  
Madurai District.
- 3.The Thasildar,  
Usilampatti,  
Madurai District.

+1 CC to M/s.P.PALANI, Advocate ( SR-29054[F] dated 14/09/2021 )

+1 CC to M/s.SPL. GP ( SR-28947[F] dated 14/09/2021 )

W.P(MD) .No.16291 of 2021  
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RD(22.09.2021) 3P 6C