

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.25087 of 2022

(Through Hybrid mode)

Manjula Manjari Das

....

Petitioner

Mr. Rabindra Nath Prusty, Advocate

-Versus-

State of Odisha and others

....

Opposite Parties

Ms. S. Pattnaik, Advocate (AGA)

CORAM: JUSTICE ARINDAM SINHA

ORDER
28.10.2022

Order No.

01. 1. Mr. Prusty, learned advocate appears on behalf of petitioner and submits, his client is a senior citizen and wants to permanently reside with her son in United States of America. For purpose of obtaining health insurance and extension of visa she requires birth certificate. She had applied. By impugned order dated 2nd September, 2022 the Executive Magistrate rejected her prayer saying registration of Births and Deaths Act, 1969 come into force with effect from 1st April, 1970, being prospective in nature and petitioner having been born prior to commencement thereof no action can be taken.
2. Ms. Pattnaik, learned advocate, Additional Government Advocate appears on behalf of State.

3. Section 29 provides for the Act not to be in derogation of Act 6 of 1886 while section 31 provides for repeal. Reading the sections together, petitioner has to have remedy under the Act of 1886 being Births, Deaths and Marriages Registration Act, 1886.

4. Petitioner will approach opposite party no.4 with copy of this order for said opposite party to revisit her application on impugned order set aside and quashed herein. Opposite party no.4 is directed to deal with the application afresh within four weeks of communication.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS

