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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.674 OF 2022

Syed Ali Fathima

... Petitioner

Vs

1. The Commissioner
Public Health Department,
Greater Chennai Corporation,
Ribben building, Chennai-600 003.

2. The Managing Director
W.C.F Hospitals,
No.20 North Usman Road,
T.Nagar,
Chennai-600 017.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 1st respondent to take appropriate action against the 2nd respondent hospital and consequently to issue the Birth Certificate of the petitioner's child namely Muhammed Sadique S/o Syed Ali Fathima born on 06.03.2019 in the 2nd respondent W.C.F. Hospital, T.Nagar, Chennai.

For Petitioner : Mr.S.Manoharan

For R-1 : Mr.P.Manoj Kumar

O R D E R

The present petition has been filed seeking a direction to the 1st respondent to take appropriate action against the 2nd respondent hospital and consequently issue the Birth Certificate of the petitioner's child.

2. Mr. P. Manoj Kumar, learned counsel for respondents takes notice for the 1st respondent.



3. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. It is the case of the petitioner that during her pregnancy she was admitted in the 2nd respondent hospital and gave birth to a male child. When the petitioner approached the 2nd respondent hospital for issuance of a birth certificate in respect of her child, at which time she was asked to approach the 1st respondent for the same. When the petitioner applied for the birth certificate on 23.12.2019 before the 1st respondent, she was asked to approach the 2nd respondent as the necessary documents have not been uploaded online, without which the birth certificate cannot be issued. When the petitioner approached the 2nd respondent with regard to the same, she was made to run from pillar to post. Aggrieved by the same, the petitioner made a representation dated 18.08.2021 to the 1st respondent for taking appropriate action against the 2nd respondent. However, till date, the same has not been considered. Hence, the present petition has been filed seeking the aforesaid relief.

5. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to take necessary action against the 2nd respondent for non issuance of birth certificate in respect of the petitioner's child within the time frame fixed by this Court.

6. On the above contentions, heard the learned counsel for respondents and perused the materials available on record.

7. Upon perusal of the materials available on record, this Court without going into the merits of the case, directs the 1st respondent to consider the representation dated 18.08.2021 made by the petitioner and dispose of the same in accordance with law, after affording opportunity of personal hearing to the petitioner and the 2nd respondent, within a period of four weeks from the date of receipt of a copy of this Order.

8. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

NHS



To

The Commissioner
Public Health Department,
Greater Chennai Corporation,
Ribben building, Chennai-600 003.

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+1cc to Mr.Dr.S.Manoharan, Advocate, S.R.No.3561

W.P.No.674 of 2022

MT (CO)
RLP (07/03/2022)