



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP.NO.4653 OF 2019
&
WMP.NO.5271 OF 2019

R.Gowri

... Petitioner

Vs

1. The Zonal Assistant Health Officer
Zonal-IX, Corporation of Chennai
No.1, 4th Street, Nungambakkam,
Chennai 600 034.
2. The Commissioner
Greater Chennai Corporation
Ripon Buildings
Park Town, Chennai 600 003.
3. The Deputy Director General
UIDAI Regional Office, Bengaluru
Khaniya Bhavan, No.49, 3rd Floor
South Wing Race Course Road
Bengaluru 560 001.
4. The Chairman
Unique Identification Authority of India
Government of India [GOI]
Bangla Sahib Road
Behind Kali Mandir, Gole Market
New Delhi 110 001.
5. The Medical Director
CSI Kalyani Multi Speciality Hospital
No.15, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.
6. Mrs.Sultana

... Respondents



Prayer: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus against the 3rd respondent reply letter dated 20.12.2018 vide Ref.No.F.No.L-11014/282/2017-2018/7197 pertaining to AADHAAR CARD No.2383 1148 6552 in the name of Mohammed Iqbal S/o.Rafiq residing at No.4-1, Jawahar Hussain Khan 6th Street, Royapettah, Chennai 600 014, and quash the said reply vide Ref.No.F.NoL-11014/282/2017-2018/7197 letter dated 20.12.2018 issued without any proper proof and identity and consequently pass an order/direction against the 1st and 2nd respondent to record the death of R.Boominathan, S/o.Late Rajangan and Mrs.R.Gowri, aged 43 years who died on 26.11.2018 at 5th respondent hospital after obtaining proper representation from the petitioner through the 5th respondent to register the name in the death register maintained by the 1st and 2nd respondents.

For Petitioner	:	Mr.S.Sundar
For RR 1 & 2	:	Mr.R.Gopinath Standing Counsel
For R5	:	Mr.R.Nixon
For R6	:	Mr.Abdul Ravoof
For RR 3 & 4	:	No appearance

ORDER

- (1) The petitioner seeks cancellation of the Aadhar Card issued to one Mohammed Iqbal, S/o.Rafiq residing at No.4-1, Jawahar Hussain Khan 6th Street, Royapettah, Chennai-14, bearing No.2383 1148 6552.
- (2) The authority has rejected the claim of the petitioner on the ground that an Aadhar Card cannot be cancelled at the request of a third party. The petitioner claims to be the mother of the deceased Mohammed Iqbal. According to the petitioner, the deceased Mohammed Iqbal is her son and his name was Boominathan. He was in a live-in relationship with the 6th respondent and the 6th respondent had used the identity of her estranged husband to obtain an Aadhar Card for the petitioner's son.
- (3) The 6th respondent has filed a counter along with a typed set of papers which would go to show that the deceased son of the petitioner had converted to Islam in the year 2000



WEB COPY

and had married the 6th respondent. The couple are also blessed with a son named Mohammed Ibrahim whose School Certificates have also been produced. While the petitioner claims that her son was a in live-in relationship with the 6th respondent, the 6th respondent claims that he had converted to Islam and married her.

- (4) These are questions of fact which cannot be decided in a proceeding under Article 226 of the Constitution of India. The challenge in the writ petition is to a very innocuous order rejecting the request of the petitioner to cancel the Aadhar Card. Identity of a person, marital relationship, conversion etc., are all questions of fact which will have to be decided based on evidence.
- (5) I therefore, do not see any ground to invoke the power under Article 226 of the Constitution of India.
- (6) Hence, the writ petition is dismissed. All questions are left open to be decided by a competent Civil Court in a properly instituted civil proceeding. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Zonal Assistant Health Officer
Zonal-IX, Corporation of Chennai
No.1, 4th Street, Nungambakkam,
Chennai 600 034.
2. The Commissioner
Greater Chennai Corporation
Ripon Buildings
Park Town, Chennai 600 003.
3. The Deputy Director General
UIDAI Regional Office, Bengaluru
Khaniya Bhavan, No.49, 3rd Floor
South Wing Race Course Road
Bengaluru 560 001.



4. The Chairman
Unique Identification Authority of India
Government of India [GOI]
Bangla Sahib Road
Behind Kali Mandir, Gole Market
New Delhi 110 001.

5. The Medical Director
CSI Kalyani Multi Speciality Hospital
No.15, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

+2ccs to Mr.S.Aswin Karthikeyan, Advocate, S.R.No.32868

+1cc to Mr.R.Gopinath, Advocate, S.R.No.32389

+1cc to Mr.Abdul Ravoof, Advocate, S.R.No.33514

WP.No.4653 of 2019

SKM(CO)
RLP(14/06/2022)