



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.982 of 2022

K.Vijayan

...Petitioner

Vs.

The Registrar of Births and Deaths,
Bahour Commune Panchayat,
Bahour, Puducherry - 607 402.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the representation dated 08.12.2020 and 16.09.2021 in accordance with enclosed documents.

For Petitioner :	Mr.P.Suresh
For Respondent :	Mr.J.Kumaran Additional Government Pleader [Puducherry]

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation dated 08.12.2020 and last representation dated 16.09.2021.

2. The petitioner states that his date of birth was 22nd July 1983 and it was registered before the Bahour Commune Puducherry Municipality. However, in the birth certificate the year of birth was erroneously mentioned as 1982 instead of 1983. Though the birth certificate was issued in the year 1982, the petitioner has not taken any action for the past 30 years for effecting correction. Contrarily, the petitioner simply filed a representation to the authorities in the year 2021 and filed a writ petition seeking direction to consider the representation.

3. A growing trend of restoration of lapsed cause by filing a writ petition can never be encouraged by the High Court. It is a trend that in respect of dead causes, the litigants submitting a representation to the authorities and filing a writ petition seeking direction to consider the representation and the High Court is also issuing such directions and thereafter, after getting orders from the competent authorities they are restoring the lapsed cause of action and thereafter, attempting to adjudicate the case on



merits which is otherwise lapsed for all reasons. Such a method of creating a cause cannot be a ground to entertain a writ petition.

4. Every litigant is expected to be vigilant in respect of his rights and in the event of any infringement, they are expected to approach the Court within a reasonable period of time for redressal of their grievances. If at all any such mistakes or otherwise were not noticed during the relevant point of time, then the petitioner has to follow the procedures as contemplated. Contrarily, they cannot send a representation and file a writ petition for a direction to consider the representation. This kind of practice will cause prejudice to the interest of the other parties. In the event of restoring of such lapsed claims after several years, the respondents may not be in a position to verify the records or the original documents. Thus, the likelihood to the prejudice caused to the other parties are also to be considered by the High Court while entertaining a writ petition under Article 226 of the Constitution of India.

5. In the present case the petitioner states that his Date of Birth was wrongly stated in the birth certificate in the year 1982 and he waited for about 30 years. In the event of seeking any such correction he has to approach the Competent Civil Court of law or Forum for adjudication of disputed issues. Contrarily, he cannot simply send a representation and file a writ petition to consider the representation. Thus, the petitioner is at liberty to approach the Competent Civil Court of law or authorities for the purpose of redressal of his grievances in the manner known to law.

6. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

The Registrar of Births and Deaths,
Bahour Commune Panchayat, Bahour, Puducherry - 607 402.

+1cc to Mr.P.Suresh, Advocate SR. No.5560

+1cc to Government Pleader SR. No.5452

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