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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NOS.6009 AND 6010 OF 2022

Mrs.Sudhamani Menta

...Petitioner in both W.P's

.Vs.

The Registrar of Births and Deaths and Marriage,
O/o. Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.

...1st Respondent in both W.P.s

The Assistant Health Officer,
Registration of Births and Deaths,
(Public Health Department),
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

...2nd Respondent in
W.P.No.6009 of 2022

2. The Registrar General of Marriage
O/o. Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.

3. The Registrar of Marriage,
District Registrar,
Tondiarpet Sub Registrar Office,
Chennai - 600 001.

...2nd & 3rd Respondents in
W.P.No.6010 of 2022

PRAYER IN W.P.NO.6009 OF 2022:-

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents herein to issue non-availability certificate of the petitioner's birth taken place on 05.01.1938 at No.7, Thambu Naicken Street, Sowcarpet, Chennai - 600 001 to her parents M/s.Late Ranganathan Chetty Sami (father) and Sarojini Sami (mother) under Form 10 of Section 17 of the Registration of Births and Deaths Act, 1969 r/w Rule 13 of the Tamil Nadu Registration of Births and Deaths Rules 2000 as expediently as



possible based on the petitioner's application dated 27.02.2022.

PRAYER IN W.P.NO.6010 OF 2022:-

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents herein to issue 'nil' record of Registration of petitioner's marriage with Thiru.Ravindranath Menta solemnized on 06.09.1962 at Vupputur Alwar Chetty Charities Marriage Hall, bearing No.122, Govindappa Naicken Street, Chennai - 600 001 under Rule 12 of Tamil Nadu Registration of Marriage Rules 2009 as expediently as possible based on the petitioner's application dated 27.02.2022.

For Petitioner : Mr.R.Ravi
in both W.P's

For Respondents : Mr.Sundaram
in W.P.No.6009 of 2022 Government Advocate
For R1

Mr.Rahul Aditya
For M/s.P.T.Ramadevi
For R2

For Respondents : Mr.Sundaram
in W.P.No.6010 of 2022 Government Advocate

C O M M O N O R D E R

Mr.Sundaram, learned Government Advocate accepts notice for all respondents in W.P.No.6010 of 2022 and for the first respondent in W.P.No.6009 of 2022 and Mr.Rahul Aditya, learned counsel for Ms.P.T.Ramadevi, learned Standing Counsel, accepts notice for R2 in W.P.No.6009 of 2022. Both learned counsel are armed with instructions to proceed with the matter finally. Hence, by consent of all learned counsel, these Writ Petitions are disposed finally even at the stage of admission.

2. The petitioner is aged 84 years and claims to have born on on 05.01.1938 at No.7, Thambu Naicken Street, Sowcarpet, Chennai - 600 001 to Late Ranganathan Chetty Sami and Late Sarojini Sami. Her birth had not taken place in a hospital or nursing home, but under the care of midwives and elders and has not been registered with the authorities.

3. As a result, she does not hold a birth registration certificate issued by the competent authority. She does not hold a school leaving certificate, as she has not received



formal education. However, she holds a passport, pan card and election commission card that reflect her date of birth as 05.01.1938. Her elder sister Mrs.Saraswathi, aged 87 years, has also sworn to her date of birth being 05.01.1938.

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4. In W.P.No.6009 of 2022 the petitioner seeks a certificate to the effect that a valid birth certificate issued by the authority is unavailable. In W.P.No.6010 of 2022, she seeks a certificate to the effect that there is no record of Registration in respect of her marriage with Ravindranath Menta, stated to have been solemnized on 06.09.1962 at Vupputur Alwar Chetty Charities Marriage Hall, No.122, Govindappa Naicken Street, Chennai - 600 001.

5. From and out of the marriage, the petitioner has son, Ajit Kumar Menta born on 05.05.1964 and a daughter, Aruna Menta born on 27.05.1967. Her son is presently based in the United States of America (USA) and has been requesting the petitioner, his mother, to join him and his family there.

6. Since she wishes to pursue green card status in USA, for which, birth and marriage certificates are required, the present Writ Petitions have been filed seeking confirmation from the authorities in India to the effect that no such certificates have been issued/are available. She would submit that such certification would aid her process for obtaining green card status in the USA.

7. Mr.Sundaram and Mr.Rahul, upon instructions, would submit that the authorities have no objection in issuing such certificates within a time frame to be fixed by this Court.

8. Thus and bearing in mind the urgency expressed as well as the age of the petitioner, the concerned authorities are directed to issue certificates as prayed for by the petitioner to her, within a period of one (1) week from today.

9. These Writ Petitions are disposed as above. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Births and Deaths and Marriage,
O/o. Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
2. The Assistant Health Officer,
Registration of Births and Deaths,
(Public Health Department),
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
3. The Registrar General of Marriage,
O/o. Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
4. The Registrar of Marriage,
District Registrar,
Tondiarpet Sub Registrar Office,
Chennai - 600 001.

+2ccs to Mr.R.Ravi, Advocate, S.R.No.18395

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.17988

+1cc to Government Pleader, S.R.No.18771 (24/03/2022)

W.P.NOS.6009 AND 6010 OF 2022

VBM(CO)
PBS/18/03/2022