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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.14899 of 2022

Selvamani

... Petitioner

Versus

1. The Sub Registrar,
Office of the Sub Registrar,
Paramathi-Velur Taluk,
Namakkal District.

2. The Executive Officer,
Velur Town Panchayat,
Paramathi-Velur Taluk,
Namakkal District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 22.09.2021 for issuance of fresh birth certificate mentioning correct date of Birth of the petitioner's son as "02.07.1985" instead of 25.06.1985 by taking into consideration of the order passed in O.S.No.159 of 2020 dated 29.04.2021 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.G.Vinoth

For Respondents : Mr.T.Sreenivasan
Spl.Govt.Pleader

ORDER

This writ petition has been filed seeking for a Mandamus to direct the second respondent to consider the representation of the petitioner dated 22.09.2021 for issuance of fresh birth certificate mentioning the correct date of birth of the petitioner's son as "02.07.1985" instead of 25.06.1985 by taking into consideration the order passed in O.S.No.159 of 2020 dated 29.04.2021 by the District Munsif, Paramathi.



2. According to the petitioner, her son S.Manikandan is now employed in U.S.A and his correct date of birth is "02.07.1985" and not 25.06.1985. The petitioner has also obtained a judgment and decree on 29.04.2021 in O.S.No.159 of 2020 from the District Munsif Court, Paramathi declaring that the correct date of birth of the petitioner's son Manikandan is "02.07.1985". Based on the judgment and decree, the petitioner has given a representation to the respondents requesting them to issue a fresh birth certificate of her son mentioning the correct date of birth as "02.07.1985" instead of 25.06.1985. However, such representation has not been considered till date. In such circumstances, the petitioner has filed this writ petition.

3. Heard Mr.G.Vinoth, learned counsel for the petitioner and Mr.T.Sreenivasan, learned Special Government Pleader for the respondents.

4. The petitioner has obtained judgment and decree on 29.04.2021 in O.S.No.159 of 2020 from District Munsif Court, Paramathi, under which, the District Munsif Court has declared that the petitioner's son S.Manikandan was born on "02.07.1985" and not on 25.06.1985. The petitioner has also produced documents like Aadhar card, Passport and mark sheet, declaring that the correct date of birth of her son S.Manikandan is "02.07.1985". The petitioner has given a representation on 22.09.2021 to the second respondent subsequent to the judgment and decree dated 29.04.2021 passed in O.S.No.159 of 2020 referred to supra, under which, the date of birth of the petitioner's son S.Manikandan was declared as "02.07.1985". No prejudice would be caused to the respondents if the petitioner's representation dated 22.09.2021 is considered on merits and in accordance with law in the light of judgment and decree dated 29.04.2021 passed in O.S.No.159 of 2020 by the District Munsif, Paramathi, after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioner's representation dated 22.09.2021 seeking for issuance of a fresh birth certificate for her son S.Manikandan declaring his date of birth as "02.07.1985" in the light of the judgment and decree dated 29.04.2021 passed in O.S.No.159 of 2020 by the District Munsif Court, Paramathi within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.



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With the aforesaid direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Registrar,
Office of the Sub Registrar,
Paramathi-Velur Taluk,
Namakkal District.
2. The Executive Officer,
Velur Town Panchayat,
Paramathi-Velur Taluk,
Namakkal District

+1cc to Mr.N.Umapathi, Advocate, S.R.No.37506

+1cc to the Government Pleader, S.R.No.38809 (01/07/2022)

W.P.No.14899 of 2022

KV (CO)
UMA (30/06/2022)