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W.P.(MD)NO.20516 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20516 of 2022 and
W.M.P.(MD)Nos.14855 & 14858 of 2022

Swathi Radhakrishnan

... Petitioner

Vs.

- 1 The District Collector,
Trichy District, Trichy.
- 2 The Tahsildar,
Srirangam Taluk, Trichy District.
- 3 The Deputy Tahsildar,
Srirangam Taluk, Trichy District.
- 4 The Revenue Inspector,
Kulumani, Srirangam Taluk, Trichy District.
- 5 The Village Administrative Officer,
Malliyampathu, Srirangam Taluk,
Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent in No.Nil, dated Nil where he has rejected the petitioner's application in Application No.TN3202206285025 seeking for Nativity Certificate, quash



the same and consequently direct the 2nd respondent to issue Nativity Certificate to the petitioner within the time frame fixed by this Court.

For Petitioner : Ms.J.Anandhavalli

For Respondents: Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was born in Kuwait on 06.07.2004. She had her entire schooling in the State of Kuwait. After completing her schooling, the petitioner wanted to join MBBS course. She had already written NEET. The petitioner requires Nativity Certificate for joining in MBBS course under the Tamil Nadu colleges. When she approached the second respondent, the second respondent rejected her request on the ground that she was born in Kuwait and that she stayed therein up to 2020 and that her parents have also been at Kuwait. The second respondent had rejected the



petitioner's request primarily on the ground that neither the petitioner nor her parents resided continuously in Tamil Nadu for the preceding five years. The second respondent had obviously gone by the terms of G.O.Ms.No.2388 dated 27.11.1990 issued by the Revenue Department.

3. The rejection order is put to challenge in this writ petition.

4. The learned Special Government Pleader submitted that the impugned order of the second respondent cannot be faulted.

5. I am not able to appreciate the stand taken by the second respondent. In fact the issue on hand is no longer *res integra*. A learned Judge of Madras High Court vide Order dated **11.11.2020** made in ***W.P.No.15393 of 2020 (Varsha Parappa Totagi V. The District Collector, Chennai)*** had already decided the issue. It was held that merely because a person has been absent from the State on account of employment, he or she will not lose his or her permanent



residence in the State. In the case on hand, the petitioner's father went to Kuwait only for employment purposes. The petitioner happened to be born in Kuwait because her parents resided in Kuwait. Even though the petitioner had done her entire schooling in Kuwait, it is difficult to conclude that the family had domiciled in Kuwait. When the parents are from Tamil Nadu and the grandparents are also from Tamil Nadu, the petitioner can only be called as a Tamilian. I hold that the petitioner is a native of Tamil Nadu. It is obvious that the expression “ nativity ” denotes the roots on which a person is anchored.

6. In that view of the matter, the petitioner can only be a native of Tamil Nadu. Therefore, respectfully following the aforesaid order dated **11.11.2020** made in ***W.P.No. 15393 of 2020 (Varsha Parappa Totagi V. The District Collector, Chennai)***, the order impugned in this writ petition is quashed. The second respondent is directed to issue Nativity Certificate, certifying that the petitioner hails from Srirangam Taluk. The second respondent shall issue the Nativity Certificate to the petitioner within a period of seven days from the date of receipt of a copy of this order.



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7. This writ petition stands allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

01.09.2022

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 02.09.2022.

To:

- 1 The District Collector,
Trichy District, Trichy.
- 2 The Tahsildar,
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Srirangam Taluk, Trichy District.
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G.R.SWAMINATHAN,J.

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