



WEB COPY



W.P.No.30711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.30711 of 2023

K.Arunsreeram

... Petitioner

Vs

- 1 The Secretary,
Government Of Puducherry,
Department of Personnel And Administrative Reforms,
(Personnel Wing)
Puducherry.
- 2 The Deputy Secretary
Government Of Puducherry,
Department of Personnel And Administrative Reforms,
(Personnel Wing)
Puducherry.
- 3 The District Collector,
Puducherry.
- 4 The Deputy Tahsildar,
Taluk Office,
Office Of The Tahsildar,
Puducherry.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to issue nativity / residential certificate considering the application dated 13.09.2023 along with in the light of the documents produced by the petitioner within a week.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.J.Kumaran
Additional Government Pleader (Puducherry)

ORDER

Mr.J.Kumaran, learned Additional Government Pleader (P) accepts notice for the respondents and is armed with instructions to enable final disposal of this matter, even at the stage of admission.

2. The prayer of the petitioner is for issuance of nativity/residential certificate by considering his application dated 13.09.2023 along with supporting documents.

3. The writ affidavit as well as the oral submissions of the learned counsel for the petitioner would be to persuade the Court that the petitioner is, indeed, entitled to the issuance of nativity/residential certificate.

4. Learned counsel for the petitioner also relies upon the following decisions of this Court in support of his submissions:



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(i) *Divya Dinesh V. The Government of Puducherry and others*

(W.P.No.711 of 2022 order dated 29.03.2022)

(ii) *Tmt.Rahina T.P. V. The Deputy Collector (Revneue) – cum- Regional Administrator, Mahe* (W.P.No.28123 of 2016 order dated 06.07.2022)

(iii) *M.Rajalakshmi V. Union of India and others* (W.P.No.12354 of 2016 order dated 21.09.2020)

5. It is the contention of the learned counsel for the petitioner that a positive direction has been issued by this Court in similar circumstances and that the same may be considered in the present case as well.

6. Per contra, Mr.Kumaran would, while acceding to the position that the application of the petitioner dated 13.09.2023 is, indeed, pending before the authorities, object to the grant of any positive direction, as it is for the authorities to consider the surrounding facts and circumstances in the present case.

7. On the latter proposition, this Court agrees that it would not be appropriate to issue a positive direction when the issuance of a nativity/residential certificate would be premised on various facts which must be presented before the authorities for their appreciation.

8. Thus, mandamus is issued to R4, Deputy Tahsildar, Taluk Office, Puducherry to consider the application of the petitioner dated 13.09.2023 along



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with all documents that the petitioner may provide in his support, hear the petitioner and pass orders on the application within a period of one (1) week from today. In so disposing the application, the authority shall bear in mind the decisions of this Court mentioned in paragraph No.4 of this order and the conclusions arrived at therein.

9. This Writ Petition stands disposed in the aforesaid terms. No costs.

30.10.2023

Index : Yes / No

Speaking Order

Neutral Citation: Yes

sl

Note: Registry is directed to issue a copy of this order on or before 31.10.2023.

To

- 1 The Secretary,
Government Of Puducherry,
Department of Personnel And Administrative Reforms,
(Personnel Wing)
Puducherry.
- 2 The Deputy Secretary
Government Of Puducherry,
Department of Personnel And Administrative Reforms,
(Personnel Wing)
Puducherry.
- 3 The District Collector,
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4 The Deputy Tahsildar,
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Dr.ANITA SUMANTH, J.
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