



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.24145 of 2023

Mrs.S.Christina Shirley

... Petitioner

v.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Commissioner,
Municipality of Srivilliputhur,
Virudhunagar District.

4.The Tahsildar,
Srivilliputhur, Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the third respondent Srivilliputhur Municipal Council vide Na.Ka.En.4388/2022/H2 dated



15.05.2023, quash the same consequently direct the second respondent to conduct an enquiry in accordance with the Guideline issued under under G.O(Ms) No.324 dated 28.06.2023 and to issue a birth certificate.

For Petitioner : Mr.K.V.Dhanapalan

For Respondents: Mr.K.Balasubramanian,

Special Government Pleader

for R1, R2 and R4

No appearance for R3

ORDER

The impugned order was passed by the third respondent. The petitioner wants to register her birth. The Revenue Divisional Officer, Sivakasi is the competent authority. But for birth registration, the petitioner has to obtain a certificate indicating that her birth was earlier not registered. The petitioner approached the third respondent and the third respondent issued certificate dated 18.07.2022 in the following terms :



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4388/2022/111

SRIVILLIPUTTUR MUNICIPALITY

FORM NO.10

See Rule 13

NON-AVAILABILITY CERTIFICATE

(Issued Under Section 17 of the Registration of Births & Deaths Act, 1969)

This is to Certify that a search has been made on the request of THIRUMATHI, CHRISTINA SHIRLEY son/wife/Daughter of MICHEAL GOPALAN in the registration year 1970 related to the local area Srivilliputhur Municipality of taluk Srivilliputhur of Virudhunagar of state Tamilnadu and found that the event relating to the BIRTH of CHRISTINA SHIRLEY son/daughter/wife of MICHEAL GOPALAN / ARIYAT MARY was not registered.

Date : 18.07.2022

Signature of Issuing Authority
Office seal

19/7/22



Based on the same, the petitioner approached the Revenue Divisional Officer also. At this stage, based on the objections made by a third party, the impugned order dated 15.05.2023 came to be issued. It is stated that the petitioner was not put on notice before passing the impugned order. On the ground of violation of principle of natural



justice, the impugned communication dated 15.05.2023 issued by the third respondent dated 15.05.2023 to the Tahsildar, Srivilliputhur is set aside.

2.This writ petition is allowed. No costs.

15.12.2023

Index : Yes / No
Internet : Yes/ No
skm

To

- 1.The District Collector, Virudhunagar, Virudhunagar District.
- 2.The Revenue Divisional Officer, Sivakasi, Virudhunagar District.
- 3.The Commissioner, Municipality of Srivilliputhur, Virudhunagar District.
- 4.The Tahsildar, Srivilliputhur, Virudhunagar District.



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G.R.SWAMINATHAN, J.

SKM

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