



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28704 of 2022

R.Subramanian

... Petitioner

Vs.

1. The District Collector,
District Collector's Office,
Trichy -1, Trichy District.

2. The Tahsildar,
Taluk Office, Srirangam,
Trichy-6,
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 relating to 2nd respondent proceedings made in online order in Application No.320221028600, dated nil, quash the same and further direct the 2nd respondent to issue Nativity certificate to petitioner's daughter namely, Pradhishta within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

* * *

**ORDER**

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Heard the learned counsel on either side.

2. The writ petitioner is presenting working in UAE. His daughter Pradhishta was born there. She did her entire schooling also there. Now she wants to join MBBS course in India. For that, she requires Nativity Certificate. When online application was made, it was rejected. Questioning the same, the present writ petition has been filed.

3. The issue raised in the writ petition is no longer *res integra*. Vide order dated **01.09.2022** made in ***W.P. (MD)No.20516 of 2022 (Swathi Radhakrishnan V. The District Collector, Trichy District, Trichy and Others)***, I had held as follows:-

“ 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***



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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. ”



4. Adopting the very same approach, the impugned order passed by the second respondent is quashed. Merely because, the petitioner's parents are not residing in Tamil Nadu continuously for the preceding five years, the status of nativity will not be lost. The second respondent appears to have gone by the terms of G.O.Ms.No.2388 dated 27.11.1990 issued by the Revenue Department.

5. The petitioner's counsel states that the petitioner's grand parents are even today residing at Thiruvanaikoil.

6. In this view of the matter, the second respondent is directed to issue Nativity Certificate certifying that the petitioner hails from Srirangam Taluk. Such certificate will be issued within a period of two weeks from the date of receipt of a copy of this order. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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Trichy -1, Trichy District.
2. The Tahsildar,
Taluk Office, Srirangam,
Trichy-6, Trichy District.



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G.R.SWAMINATHAN,J.

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