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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

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

W.P.(MD)No.29956 of 2023

P.Suseela

... Petitioner

v.

The Sub Collector,
Padmanabhapuram,
Kanyakumari District.

... Respondent

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 on the file of the respondent pertaining to its proceeding in A2/O.P No.327/2022 dated 20.03.2023 and to quash the same and consequently direct the respondent to issue birth certificate to the petitioner's son D.Dhana Vishnu who was born on 14.10.2009.

For Petitioner : Mr.SC.Herold Singh

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



ORDER

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Heard both sides.

2.The petitioner got married to one Dharmaraj in the year 1995. The case of the petitioner is that on 14.10.2009, she gave birth to a male child at Pious Hospital, Nithravilai, Kanyakumari District. The petitioner's husband is no more. She states that in the hospital, relevant records could not be found. Now the petitioner wants the respondents to issue birth certificate for his son. The respondent has denied the petitioner's request. The child is now studying 9th standard. Obviously, if the birth certificate is not issued, his rights will be denied. The issue has to be approached from the perspective of the child. There is no rival claim.

3.Considering the special facts and circumstances of the case, I direct the respondent to issue birth certificate in favour of the petitioner's son D.Dharma Vishnu on the strength of the petitioner's affidavit and the entries made in the school certificates. The petitioner is permitted to submit a fresh application before the respondent along with the affidavit, the school certificates and the Aadhar card of the petitioner's son. Based on the same, the respondent shall treat this as a special case and issue birth certificate accordingly.



4.This writ petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
skm

To

The Sub Collector,
Padmanabhapuram,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

SKM

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