



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15202 of 2024

Mr.R.Suresh

... Petitioner

Vs

1. The Executive Magistrate cum District Collector,
4th Floor, Fourth Floor, M.Singaravelar Maaligai,
62, Rajaji Salaik, Chennai Collectorate,
Chennai – 600 001.
2. The Revenue Divisional Officer,
The Chennai Central Zone,
Chennai.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Poonamallee High Road,
Chennai – 600 003.
4. The Registrar,
Sub Registrar Office Periamet,
Poonamallee High Road,
Poongavanpuram, Chennai – 600 007.
5. The Revenue Divisional Officer,
The Chennai South Zone,
Chennai.
(R5 impleaded vide this order)

... Respondents



W.P.No.15202 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent No.1 to consider and dispose his application dated 25.10.2023 for issuance of birth certificate to him.

For Petitioner : Ms.Saughanthika A.S.
for Mr.A.P.Balaji

For Respondent : Mr.U.Bharanidharan
Additional Government Pleader – R1, R2, R4 & R5
Ms.S.Vanitha Joice Rani - R3

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader accepts notice for R1, R2, R4 and R5 and Ms.S.Vanitha Joice Rani, learned counsel accepts notice for R3. They are armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is a senior citizen, aged about 63 years at time of institution of this Writ Petition. Till date, he has not felt the need for a birth certificate. However, since his daughter and her family have moved to Australia, his wife and himself have applied for Australian Permanent Residency. During the documentation process, it was found that a birth certificate was necessary at the instance of the authorities in Australia. Hence this Writ Petition seeking a mandamus directing the respondent No.1 to



W.P.No.15202 of 2024

consider and dispose the petitioner's application dated 25.10.2023 for issuance of birth certificate to him.

3. The date of birth of the petitioner is stated to be 20.11.1960. There is a typographical error in paragraph 14, wherein the petitioner's year of birth is mentioned as 1970 instead of 1960. However, in the documents annexed, namely, Aadhar Card, Pan Card, Driving Licence and educational certificates, the date of birth of the petitioner has been mentioned as 20.11.1960, as confirmed by Mr.Bharanidharan.

4. Though the petitioner claims to have made an attempt to apply for the birth certificate through the e-seva centre, the e-seva centre enables only applications where the birth has taken place within a year prior to the date of application.

5. The registration of births and deaths is covered by the provisions of the Registration of Births and Deaths Act, 1969 (in short 'Act') and Tamil Nadu Registration of Births and Deaths Rules, 2000 (in short 'Rules'). Section 13 of the Act provides for a situation where the registration of the birth or death is delayed. Sub-section (3) of Section 13 states that any birth or death which has not been registered within one year of occurrence, shall be registered only on an order made by a Magistrate of the first class or Presidency Magistrate after verifying the correctness of the birth or death and on payment of prescribed fee.



W.P.No.15202 of 2024

6. Rule 9 of the Rules provide for the procedure for delayed registration and for the fee payable in that regard. Sub-rule (3) is in tandem with the provisions of sub-section (3) of Section 13 of the Act. Sub-Rule (3) has been substituted vide G.O.Ms.No.293 Health & Family Welfare (AB2) Department, dated 02.12.2016 to state that such delayed registration of birth and death shall be by an order of the Executive Magistrate not below the rank of the Revenue Divisional Officer.

7. In the present case, seeing as the date of birth of the petitioner is 20.11.1960, the proper authority to consider the application for delayed registration for birth would be the second respondent, the Revenue Divisional Officer (RDO).

8. To be noted that the Revenue Divisional Officer, Chennai Central Zone is arrayed as R2. However, the appropriate authority in this matter, according to the learned Additional Government Pleader, would be the Revenue Divisional Officer, Chennai South Zone. In fact, upon receipt of the application, vide proceedings in Na.Ka.No.A3/6973/23 dated 23.11.2023, the application has been forwarded by the RDO Chennai Central Zone to RDO Chennai South Zone.

9. To facilitate the process of consideration of the representation, the Revenue Divisional Officer, Chennai South Zone is impleaded as R5 and



W.P.No.15202 of 2024

Mr.U.Bharanidharan, learned Additional Government Pleader accepts notice for R5 as well.

10. Since R5 is now in receipt of representation, let the petitioner be heard and orders passed by R5 on the application of the petitioner dated 25.10.2023, in accordance with law and taking note of all relevant documents, within a period of four (4) weeks from date of receipt of a copy of this order.

11. This Writ Petition is disposed as above. No costs.

13.06.2024

Index : Yes / No

Speaking Order

Neutral Citations: Yes

sl

Note: Registry is directed to carry out necessary amendments in the cause title.

To

1. The Executive Magistrate cum District Collector,
4th Floor, Fourth Floor, M.Singaravelar Maaligai,
62, Rajaji Salaik, Chennai Collectorate,
Chennai – 600 001.
2. The Revenue Divisional Officer,
The Chennai Central Zone,
Chennai.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Poonamallee High Road,
Chennai – 600 003.



WEB COPY



W.P.No.15202 of 2024

Dr.ANITA SUMANTH,J.

Sl

4. The Registrar,
Sub Registrar Office Periamet,
Poonamallee High Road,
Poongavanpuram, Chennai – 600 007.
5. The Revenue Divisional Officer,
The Chennai South Zone,
Chennai.

W.P.No.15202 of 2024

13.06.2024