



WEB COPY



W.P.No. 19251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.19251 of 2024

Usharani Chandrasekaran

.. Petitioner

Versus

The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600 003

...Respondent

Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the order passed by the respondent in Po.Su.Thu.Ma.Na.A(Puvi) Na.Ka.No.0012/2023 dated 25.09.2023 quash the same and direct the respondent to issue a Non-Availability of Birth Certificate within a stipulated time and pass orders.

For Petitioner : Mr.V. Chandrasekaran

For Respondents : Mr.A.Arun Babu
Standing counsel



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ORDER

This petition is filed to issue a writ of Certiorarified Mandamus calling for the records relating to the order passed by the respondent in Po.Su.Thu.Ma.Na.A(Puvi) Na.Ka.No.0012/2023 dated 25.09.2023 quash the same and direct the respondent to issue Non-Availability of Birth Certificate to the petitioner.

2.Mr.A.Arun Babu, Standing counsel takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The facts of the case are that the petitioner has made an application to the respondent for non issuance of Non-Availability of Birth Certificate. The respondent in turn has conducted an enquiry and passed an order in Po.Su.Thu.Ma.Na.A(Puvi) Na.Ka.No.0012/2023 dated 25.09.2023 wherein they have rejected the claim made by the petitioner on the ground that the report given by the Police Department



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was not satisfactory, which has given rise to this petition.

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4. The learned counsel appearing for the petitioner submitted that the respondent without taking note of the claim made by the petitioner has passed the impugned order mechanically. He further submitted till date there was no case registered against the petitioner. While so, the Police Department has no role with regard to the claim of the petitioner. Hence, prays to allow this petition.

5. The learned Standing Counsel appearing for the respondent submitted that for issuance of the certificate the report submitted by the Police Department is very much essential. As the report was not satisfactory they have rejected the claim made by the petitioner.

6. Heard both sides and perused the materials available on records.

7. On a perusal of records it is seen that the petitioner has only applied for Non-Availability of Birth Certificate, which does not require to follow the procedures and guidelines for issuance of Birth Certificate .



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Hence, there is no necessity for the respondent to conduct enquiry and to proceed with the report of the police Department or to adopt any other procedures that are mandatory for issuance of Birth Certificate.

8. In view of the above, the impugned order passed by the respondent in Po.Su.Thu.Ma.Na.A(Puvi) Na.Ka.No.0012/2023 dated 25.09.2023 is hereby quashed and this writ petition is allowed with a direction to the the respondent to issue the Non Availability of birth Certificate to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

19.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
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V.BHAVANI SUBBAROYAN, J.

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