



W.P(MD).No.21451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21451 of 2024

Lakshmanan

... Petitioner

Vs.,

The Commissioner/Registrar of birth and death,
Srivilliputhur Municipality,
Virudhunagar District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to rectify the erroneous date of birth of the petitioner entered in the birth register maintained by the respondent and to issue a fresh birth certificate to the petitioner as 06.07.1948 instead of 05.04.1949 by processing the representation of the petitioner dated 16.08.2024 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.A.Mohan

For Respondent : Mr.J.Parekh Kumar
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking a direction to the respondent to rectify the erroneous date of birth of the petitioner entered in the



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birth register maintained by the respondent and to issue a fresh birth certificate to the petitioner as 06.07.1948 instead of 05.04.1949 by processing the representation of the petitioner dated 16.08.2024 within a stipulated period as may be fixed by this Court.

2.Heard Mr.A.Mohan, learned counsel for the petitioner and Mr.J.Parekh Kumar, learned counsel, who takes notice for the respondent. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The grievance of the petitioner is that the petitioner was born on 06.07.1948. However, the birth certificate was erroneously issued mentioning his date of birth as 05.04.1949. Except the birth certificate, in all other documents namely, Educational Certificates, Pan Card, Aadhaar Card and passport, the date of birth of the petitioner is mentioned as 06.07.1948. Hence, the petitioner has filed this writ petition to rectify the same.

4.The learned counsel for the petitioner submits that his son settled in USA along with his family. The petitioner being a senior citizen to get a medical assistance for the old age ailments, had decided to go along with his son.



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Therefore, he made a representation to the authorities concerned seeking to alter the date of birth in the birth certificate for the purpose of availing green card at United States of America.

5. Admittedly, the educational certificates and the identity documents, the date of birth of the petitioner is mentioned as 06.07.1948. Hence, this Court taking into consideration the facts and circumstances of the case, directs the respondent to conduct enquiry under Section 15 of the Registration of Births and Deaths Act, 1969 and Rule 11 of Registration of Births and Deaths Rules, 2000 on the representation of the petitioner dated 16.08.2024 and pass appropriate orders after considering the documents submitted by the petitioner. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

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NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR.J,

Rmk

To
The Commissioner/Registrar of birth and death,
Srivilliputhur Municipality,
Virudhunagar District.

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