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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5695/2024 &CM APPL. 23505/2024**

NITYA CHAUDHARY MINOR

..... Petitioner

Through: Mr. Vikram Saini and Mr.
Dharmendra Choudhary, Advs.

versus

**MCD BIRTH AND DEATH DEPARTMENT THROUGH ITS
CHAIRMAN**

..... Respondents

Through: Ms. Shweta Priya, Adv. (VC).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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24.04.2024

1. The present petition seeks a direction that the respondent be directed to correct the date of birth of the petitioner to 30.10.2015 instead of 28.02.2016 in the birth certificate issued to the petitioner.
2. It is averred that the father of the petitioner had applied for the petitioner's birth certificate through an authorised service provider, who, while filling up the online form on the portal of the respondent/MCD, inadvertently filled up the date of birth of the petitioner as 28.02.2016 instead of 30.10.2015. Thereafter, a written representation is stated to have been given by the father of the petitioner on 02.12.2023, requesting correction of date of birth of the petitioner in the petitioner's birth certificate.
3. Learned counsel for the respondent/MCD who appears on advance notice submits that the birth certificate in question was issued on 30.11.2018 and the request for correction came to be made quite belatedly. She also



submits that in terms of Section 13(3) of Registration of Births and Deaths Act, 1969 an inquiry is required to be conducted by the SDM.

4. Learned counsel for the respondent submits that upon the petitioner approaching the concerned SDM and after the necessary inquiry, if a fresh application is filed by the petitioner for issuance of a new birth certificate, the same shall be considered and a decision thereon shall be taken up expeditiously.

5. Accordingly, the present petition stands disposed of with the direction to the petitioner to approach the concerned SDM for the purpose of conducting an inquiry as mandated under Section 13(3) of the Registration of Births and Deaths Act, 1969. The SDM is directed to complete the inquiry expeditiously and preferably within a period of 4 weeks from today.

6. Upon conclusion of the inquiry, the petitioner shall be at liberty to make a fresh application to the MCD for correction of birth certificate which shall be duly considered by the MCD.

7. The present petition stands disposed of in the above terms. All the pending application/s also stand disposed of.

SACHIN DATTA, J

APRIL 24, 2024/at