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W.P.No.4049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4049 of 2024

M.Sahana Sri

... Petitioner

Vs.

1 THE COMMISSIONER-CUM REGISTRAR OF BIRTH AND DEATHS,
KARAIKAL MUNICIPALITY,
AMBEDKAR STREET,
KARAIKAAL – 609 602,
PUDUCHERRY UNION TERRITORY.

2 THE DEPUTY DIRECTOR (MA)
LOCAL ADMINISTRATION DEPARTMENT,
GOVERNMENT OF PUDUCHERRY
VITAL STATISTICS CELL,
NO.16, RUE SUFFREN,
NEAR, BUSSY STREET,
PUDUCHERRY – 605 001
PUDUCHERRY UNION TERRITORY.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 25.10.2023 and to direct the first respondent to cancel the registration of Birth Certificate and its Registration No.K/2004/04130 dated on 14.10.2004.



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For Petitioner : Mr.J.Karunakaran
For Respondents : Mr.Vasanthakumar
Additional Government Pleader (P)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 25.10.2023 and to direct the first respondent to cancel the registration of Birth Certificate and its Registration No.K/2004/04130 dated on 14.10.2004.

2.The learned counsel appearing for the petitioner submitted that the petitioner was born on 30.08.2004 at M/s.Durgabai Desmuk General Hospital located at No.11, Durgabai Desmuk Road, Raja Annamalaipuram, Chennai and the petitioner's biological father obtained birth certificate from the Chennai Corporation on 10.09.2004. The learned counsel further submitted that the petitioner's grandparents inadvertently registered the petitioner's birth before the Commissioner cum Registrar of Births and Deaths, Karaikal Municipality of the Union Territory of Pondicherry on 13.09.2004 as if the petitioner was born in A.J.Poly Clinic, Karaikal on 11.09.2004.



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3.The learned counsel appearing for the petitioner further submitted that the petitioner, after coming to know that there are two birth certificates available, gave representation to the second respondent on 25.10.2023 seeking to cancel the birth certificate issued by the Karaikal Municipality and the same was refused by the respondents. The learned counsel further submitted that the petitioner is entitled to cancel the birth certificate which was inadvertently obtained by her grandparents and hence, this Court may issue the second respondent to cancel the birth certificate issued by the Karaikal Municipality.

4.The learned Additional Government Pleader (P) submitted that on the basis of the declaration made by the petitioner's grandparents, birth certificate was issued by the Karaikal Municipality and further submitted that there is no provision available to cancel the certificate and hence the petitioner's request was rejected.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.Admittedly, two birth certificates were issued to the petitioner one by the Chennai Corporation on the basis of the declaration given by her biological parents that the petitioner was born on 30.08.2004 at M/s.Durgabai Desmuk General Hospital and another by the Karaikal Municipality on the basis of the false declaration given by the petitioner's grandparents, without intimating the same to her biological parents.

7.In view of the above, this Court directs the respondents to cancel the certificate issued by the Karaikal Municipality forthwith and to make necessary entry in the Karaikal Register.

8.The writ petition is disposed of in the above terms. No costs.

05.11.2025

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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M.DHANDAPANI,J.
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