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W.P.No.13509 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:09.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.13509 of 2025

Venkishwaran,
Son of Selvam
No.23/57, Ruby Nest
Dimellows Road
Pullianthope
Chennai 12

.. Petitioner

/versus/

1.The District Collector,
Chennai.

2.The Tashildar,
Purasaiwakkam,
Chennai 03.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 2nd respondent to issue Relationship Certificate forthwith to the petitioner on the strength of the application submitted by him on 20.03.2025.



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W.P.No.13509 of 2025

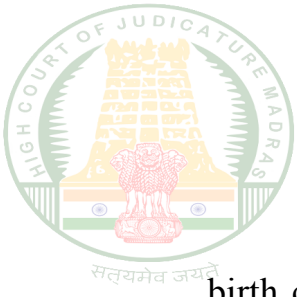
For Petitioner :Mr.R.C.Paul Kanagaraj

For Respondents :Dr.S.Suriya, AGP for R1 and R2

ORDER

The writ petition is filed for a prayer directing the second respondent to issue relationship certificate to the petitioner on the strength of the application submitted by him on 20.03.2025.

2.Upon hearing Mr.R.C.Paul Kanagaraj, learned counsel appearing for the petitioner and on perusing the affidavit filed in support of the writ petition and on perusing the material records of the case, the grievance of the petitioner is that the petitioner Venkishwaran is the brother of one Meenakshi. All the identity cards and other documents in respect of Meenakshi shows only her husband's name and her father's name Selvam is not shown in any document. Both the petitioner Venkishwaran and Meenakshi are born to one Selvam only. They are siblings of Selvam. Considering that they are very illiterate and they belong to the weaker section of the society, the petitioner and Meenakshi did not even apply for



W.P.No.13509 of 2025

WEB COPY

birth certificate at the relevant point of time and therefore,as on date, they are not in a position to produce any clinching document to show that both are born to the said Selvam. However, the same can be ascertained by an oral enquiry. As a matter of fact, the field enquiry was conducted by the Revenue Inspector and they found that they are siblings born to one Selvam. However, now, when Kidney has to be donated and emergency treatment has to be made, the second respondent is insisting that unless the birth certificate or some other documentary evidence is on record, the relationship certificate cannot be granted.

3. In the normal course, the petitioner could have approached the District Magistrate under the Registration of Birth and Death Rules and obtained the birth certificate for both the petitioner Venkishwaran as well as the said Meenakshi in the manner known to law. However the condition of the petitioner Venkishwaran will not brook such a delay. In view thereof, the petitioner has approached this Court.



W.P.No.13509 of 2025

WEB COPY

4. Normally, for siblings at the age of the petitioner as well as Meenakshi, atleast one document will show that they are born to a particular parent namely Selvam. Unfortunately, in this case, it is the case of the petitioner that no such document exists. When the petitioner has filed an affidavit, considering the fact that the purpose is an emergency purpose, I am of the view that when the persons belonging to economically weaker strata of the society do not maintain any such proper documents, on that sole ground the right for treatment/kidney transplantation should not be denied to them. Only considering the emergency treatment that is mentioned, this order is passed. Otherwise this order cannot be taken as support for any other purpose. If the petitioner wants to claim as siblings for any other purpose, it is open for them to apply for the birth certificate before the District Magistrate/concerned Court under the Act and after getting the birth certificate only, they can claim.

5. However, for the limited purpose of donation of kidney, which is



W.P.No.13509 of 2025

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said to be an emergent purpose, this writ petition is ordered on the following terms:

Based on the affidavit, that is filed by the petitioner and such affidavits of the neighbours that may be produced, the second respondent shall pass orders granting relationship certificate. The parties (whoever can) shall appear before the second respondent on 11.04.2025 itself and the second respondent shall scrutinise the affidavits and also the claim of the petitioner and pass orders as expeditiously as possible to enable the treatment of the petitioner. No costs.

09.04.2025

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Neutral citation:no

To

1.The superintendent of Police,
Ariyalur District, Ariyalur.

2.The District Collector,
Ariyalur District, Ariyalur.

3.The Zonal Join Director,
Animal Husbandry and Veterinary Office
Ariyalur.

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W.P.No.13509 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.13509 of 2025

09.04.2025