



WEB COPY



W.P.Nos.14354 and 13102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.14354 and 13102 of 2024

And

W.M.P.Nos.15582, 15584 and 14260 of 2024

Mubarak Alikhan

... Petitioner in both W.Ps.

Vs.

- 1 THE DIRECTOR
DEPARTMENT OF PUBLIC HEALTH AND PREVENTIVE
MEDICINE CUM CHIEF REGISTRAR OF BIRTHS AND DEATHS
DMS COMPLEX, ANNA SALAI,
CHENNAI – 600 006.
- 2 THE DISTRICT REVENUE OFFICER CUM
REGISTRAR OF BIRTHS AND DEATHS
DISTRICT COLLECTORATE
CUDDALORE.
- 3 THE DEPUTY DIRECTOR OF HEALTH SERVICES/
DISTRICT JOINT REGISTRAR BIRTH AND DEATH
O/o.THE DEPUTY DIRECTOR OF HEALTH SERVICES
CUDDALORE.
- 4 THE DISTRICT HEALTH OFFICER
CUDDALORE DISTRICT,
CUDDALORE.
- 5 THE EXECUTIVE OFFICER
TOWN PANCHAYAT,
LALPETTAI,
KATTUMANNARKOIL TALUK,
CUDDALORE DISTRICT. ... Respondents in W.P.14354/2024



W.P.Nos.14354 and 13102 of 2024

- 1 THE DIRECTOR
DEPARTMENT OF PUBLIC HEALTH AND PREVENTIVE
MEDICINE CUM CHIEF REGISTRAR OF BIRTHS AND DEATHS
DMS COMPLEX, ANNA SALAI,
CHENNAI – 600 006.
- 2 THE DEPUTY DIRECTOR OF HEALTH SERVICES
O/o.THE DEPUTY DIRECTOR OF HEALTH SERVICES
CUDDALORE.
- 3 THE DISTRICT REVENUE OFFICER CUM
REGISTRAR OF BIRTHS AND DEATHS
DISTRICT COLLECTORATE
CUDDALORE.
- 4 THE EXECUTIVE OFFICER
TOWN PANCHAYAT,
LALPETTAI,
KATTUMANNARKOIL TALUK,
CUDDALORE DISTRICT. ... Respondents in W.P.13102/2024

Prayer in W.P.No.14354 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order dated 15.05.2024 issued by the fourth respondent in Na.Ka.No.5803/A3/2022 and quash the same.

Prayer in W.P.No.13102 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 2 from passing any orders based on the enquiry conducted by the second respondent on 25.04.2024, till the disposal of the Review Application No.57 of 2024 pending on the file of this Hon'ble Court.



W.P.Nos.14354 and 13102 of 2024

For Petitioner : Mr.G.Pugazhenth
in both W.Ps.

For Respondents : Mr.E.Sundaram for R1 to R4
Government Advocate
in both W.Ps.

Mr.Abishek Murthy for R5
in W.P.No.14354 of 2024

COMMON ORDER

W.P.No.14354 of 2024 has been filed seeking issuance of Writ of Certiorari calling for the records pertaining to the impugned order dated 15.05.2024 issued by the fourth respondent in Na.Ka.No.5803/A3/2022 and quash the same.

2.W.P.No.13102 of 2024 has been filed seeking issuance of Writ of Mandamus forbearing the respondents 1 and 2 from passing any orders based on the enquiry conducted by the second respondent on 25.04.2024, till the disposal of the Review Application No.57 of 2024 pending on the file of this Court.

3.The learned counsel appearing for the petitioner submitted that the petitioner's daughter namely, Afreen John was born at Shifa



W.P.Nos.14354 and 13102 of 2024

Nursing Home, Lalpettai on 10.12.2004 and her birth was registered with the authorities based on the Hospital's birth record. During the year 2018, two persons namely, Jakir and Mohammed Mansoor sent petitions alleging that the petitioner had kidnapped a child and questioned the genuineness of Afreen's birth registration and from 2018 to 2020 several inquiries were conducted by various Government bodies like the District Collector, Child Welfare Department and Town Panchayat and thereafter it was reported that Afreen's birth was genuine, however, the Deputy Director of Health Services passed an order dated 08.05.2023 cancelling the registration of Afreen's birth and challenging the same, the petitioner filed W.P.No.15834 of 2023 and this Court vide order dated 24.08.2023, remanded the matter back to the Deputy Director of Health Services, pursuant to which, the order impugned in W.P.No.14354 of 2024 was passed.

4.The learned counsel appearing for the petitioner further submitted that after disposal of W.P.No.15834 of 2023, the petitioner realized that based on the enquiries conducted during the year 2020, the Deputy Director of Health Services passed an order dated 13.08.2020 stating that the birth record of the petitioner's daughter is



W.P.Nos.14354 and 13102 of 2024

true, however, the petitioner did not mention about the said order in W.P.No.15834 of 2023 and hence, the petitioner filed Review Application No.57 of 2024. Whiles, the District Health Officer issued notice to the petitioner calling upon him to attend enquiry and the petitioner attended the enquiry and requested to stay the enquiry proceedings till the disposal of the review application, however, the respondents did not consider his request and hence the petitioner filed W.P.No.13102 of 2024.

5.The learned counsel appearing for the petitioner further submitted that the petitioner participated in all the enquiries and submitted his explanation with valid documents and after completion of enquiries, the District Collector sent a report dated 07.02.2019 stating that the birth certificate issued to the petitioner's daughter is genuine one. The District Child Welfare Officer, Cuddalore, has also sent a letter dated 25.02.2019 stating that as per the records of the Shifa Nursing Home, Lalpettai, the petitioner's daughter was born on 10.12.2004 at Shifa Nursing Home, Lalpettai, however, based on the allegations made by two individuals, the Deputy Director of Health Services passed the order impugned in W.P.No.14354 of 2024 which is not sustainable one.



W.P.Nos.14354 and 13102 of 2024

WEB COPY

6.The learned Government Advocate submitted based on the complaint made against the petitioner that the petitioner is not the biological father of Afreen John and that the petitioner prepared bogus document and obtained birth certificate, the order impugned in W.P.No.14354 of 2024 was passed, however, he fairly submitted that the report of the District Collector dated 07.02.2019 and the letter of the District Child Welfare Officer, Cuddalore, dated 25.02.2019 were not taken into consideration while passing the impugned order.

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

8.The petitioner claim that he is the biological father of one Afreen John. Perusal of records disclose that the claim of the petitioner was objected by one individual who is residing opposite to the petitioner's house and the said individual lodged complaints against the petitioner including a criminal complaint under Section 223 of BNSS before the District Munsif Cum Judicial Magistrate at Kattumannarkoil alleging commission of offence by the respondents therein (including the petitioner) under Section 82, 109, 173, 176 of



W.P.Nos.14354 and 13102 of 2024

BNS & Section 75 of Juvenile Justice (Care and Protection) Act, 2015 in Crl.M.P.No.134 of 2025 and the said petition was dismissed on 29.09.2025.

9.Apart from that, after completion of enquiries against the petitioner, the District Collector has sent a report dated 07.02.2019 stating that the birth certificate issued to the petitioner's daughter is genuine one. The District Child Welfare Officer, Cuddalore, has also sent a letter dated 25.02.2019 stating that as per the records of the Shifa Nursing Home, Lalpettai, the petitioner's daughter was born on 10.12.2004 at Shifa Nursing Home, Lalpettai, however, without taking the above into consideration, the Deputy Director of Health Services has passed the order impugned in W.P.No.14354 of 2024 which is not sustainable one.

10.Further, the petitioner's daughter Afreen John was born on 10.12.2004 and hence, at the time of passing the order impugned in W.P.No.14354 of 2024, the petitioner's daughter would have attained the age of majority, however, without hearing Afreen John, the impugned order has been passed which is not sustainable one, perverse and clear violation of principles of natural justice.



W.P.Nos.14354 and 13102 of 2024

WEB COPY

11.In view of all the above, W.P.No.14354 of 2024 is allowed.

The order dated 15.05.2024 issued by the fourth respondent in Na.Ka.No.5803/A3/2022 is set aside. The fourth respondent/ The District Health Officer is directed to not to cancel the registration of birth of the petitioner's daughter Afreen John. As no separate adjudication is required, the writ petition in W.P.No.13102 of 2024 is closed.

12.The writ petition in W.P.No.14354 of 2024 is allowed. The writ petition in W.P.No.13102 of 2024 is closed. No costs. Consequently, the connected miscellaneous petitions are closed.

19.11.2025

pri

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



W.P.Nos.14354 and 13102 of 2024

WEB COPY

To

- 1 THE DIRECTOR
DEPARTMENT OF PUBLIC HEALTH AND PREVENTIVE
MEDICINE CUM CHIEF REGISTRAR OF BIRTHS AND DEATHS
DMS COMPLEX, ANNA SALAI,
CHENNAI – 600 006.
- 2 THE DISTRICT REVENUE OFFICER CUM
REGISTRAR OF BIRTHS AND DEATHS
DISTRICT COLLECTORATE
CUDDALORE.
- 3 THE DEPUTY DIRECTOR OF HEALTH SERVICES/
DISTRICT JOINT REGISTRAR BIRTH AND DEATH
O/o.THE DEPUTY DIRECTOR OF HEALTH SERVICES
CUDDALORE.
- 4 THE DISTRICT HEALTH OFFICER
CUDDALORE DISTRICT,
CUDDALORE.
- 5 THE EXECUTIVE OFFICER
TOWN PANCHAYAT,
LALPETTAI,
KATTUMANNARKOIL TALUK,
CUDDALORE DISTRICT.



WEB COPY



W.P.Nos.14354 and 13102 of 2024

M.DHANDAPANI,J.
pri

W.P.Nos.14354 and 13102 of 2024
And
W.M.P.Nos.15582, 15584
and 14260 of 2024

19.11.2025



WEB COPY



W.P.Nos.14354 and 13102 of 2024

**W.P.Nos.14354 and 13102 of 2024
And
W.M.P.Nos.15582, 15584 and 14260 of 2024**

M.DHANDAPANI,J.

The matter is today listed under the caption 'for being mentioned' at the instance of the Registry.

2.It is brought to the notice of this Court by the Registry that in the order dated 19.11.2025 made in W.P.Nos.14354 and 13102 of 2024, in the prayer in W.P.No.14354 of 2024, in the first paragraph and in eleventh paragraph, the date of the impugned order has been wrongly mentioned i.e., instead of, '15.05.2023', it has been wrongly mentioned as '15.05.2024' and sought for appropriate orders for making necessary corrections.

3.In view of the above, in the order dated 19.11.2025 made in W.P.Nos.14354 and 13102 of 2024,

(i)the prayer in W.P.No.14354 of 2024 in the preamble

11/10



W.P.Nos.14354 and 13102 of 2024

portion of the order is to be read as follows:

"Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order dated 15.05.2023 issued by the fourth respondent in Na.Ka.No.5803/A3/2022 and quash the same.

(ii)the first paragraph is to be read as follows:

"W.P.No.14354 of 2024 has been filed seeking issuance of Writ of Certiorari calling for the records pertaining to the impugned order dated 15.05.2023 issued by the fourth respondent in Na.Ka.No.5803/A3/2022 and quash the same."

(iii)the eleventh paragraph is to be read as follows:

"11.In view of all the above, W.P.No.14354 of 2024 is allowed. The order dated 15.05.2023 issued by the fourth respondent in Na.Ka.No.5803/A3/2022 is set aside. The fourth respondent/ The District Health Officer is directed to not to cancel the registration of birth of the petitioner's daughter Afreen John. As no separate



WEB COPY



W.P.Nos.14354 and 13102 of 2024

*adjudication is required, the writ petition in
W.P.No.13102 of 2024 is closed."*

4.Registry is directed to carry out the necessary corrections
and re-issue copy of the order to the respective learned counsel
appearing for the parties.

28.01.2026

pri



WEB COPY



W.P.Nos.14354 and 13102 of 2024

M.DHANDAPANI,J.
pri

W.P.Nos.14354 and 13102 of 2024
And
W.M.P.Nos.15582, 15584
and 14260 of 2024

28.01.2026