



W.P.No.22149 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.22149 of 2025

B.Narayanasamy

.. Petitioner

Vs.

1.The District Collector
O/o.The District Collector
Thiruvarur District

2.The Tahsildar
O/o.The Tahsildar
Mannargudi Taluk
Thiruvarur District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus calling for the records relating to the proceedings of rejection of online nativity application No.TN320241207778 dated nil made by the 2nd respondent/Tahsildar, Mannargudi and quash the same and further direct the



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2nd respondent/Tahsildar, Mannargudi to issue nativity certificate to the petitioner's granddaughter namely Varunika Balamohan, D/o.Balamohan Narayanasamy within stipulated period.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.R.Murthi
Government Advocate

ORDER

This writ petition has been filed challenging the online rejection made by the 2nd respondent and for a consequential direction to the 2nd respondent to issue Nativity Certificate to the petitioner's granddaughter namely Varunika Balamohan, D/o.Balamohan Narayanasamy.

2 . Heard both sides and perused the materials placed on record.

3. The case of the petitioner is that her son Balamohan Narayanasamy was married to one Thanuja in the year 1998. At the time of marriage, they were living at



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Mannargudi, Tiruvarur District. The petitioner's son got employment at Singapore and later at Qatar. In view of the same, he has to travel along with his family to these places. Out of the wedlock, a girl child was born named as Varunika Balamohan. She was born at Singapore. She studied abroad and she did her higher secondary education at Doha. The petitioner's granddaughter namely Varunika Balamohan wanted to continue her studies in Tamil Nadu and hence, applied for Engineering course at Anna University. The petitioner's granddaughter was asked to produce Nativity Certificate during counseling that is going to be held in July 2025. Hence, the petitioner applied for Nativity Certificate through online on 07.12.2024. The said application was rejected online by the 2nd respondent merely on the ground that the petitioner's granddaughter was not born in Tamil Nadu. Aggrieved by the same, the present writ petition has been filed before this Court.

4. On carefully going through the materials placed before this Court, it is seen that the aadhaar card that has been issued to Varunika Balamohan carries the



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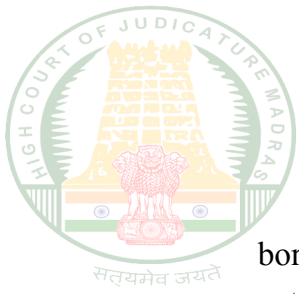
address at Mannargudi. That apart, the passport issued in her name also carries the address at Mannargudi.

5. The only issue to be considered in the present writ petition is as to whether the petitioner's granddaughter can be denied Nativity Certificate only on the ground that she had to stay along with her father and mother abroad, even though her roots continued to be in Tamil Nadu, India.

6. The issue in hand is no longer *res integra* and the Madurai Bench of this Court had an occasion to deal with the same in W.P.(MD) No.20516 of 2022.

Justice G.R.Swaminathan dealt with this issue and held as follows :

“5. I am not able to appreciate the stand taken by the second respondent. In fact the issue on hand is no longer *res integra*. A learned Judge of Madras High Court vide Order dated 11.11.2020 made in W.P.No.15393 of 2020 (*Varsha Parappa Totagi V. The District Collector, Chennai*) had already decided the issue. It was held that merely because a person has been absent from the State on account of employment, he or she will not lose his or her permanent residence in the State. In the case on hand, the petitioner's father went to Kuwait only for employment purposes. The petitioner happened to be



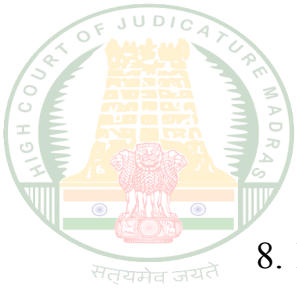
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born in Kuwait because her parents resided in Kuwait. Even though the petitioner had done her entire schooling in Kuwait, it is difficult to conclude that the family had domiciled in Kuwait. When the parents are from Tamil Nadu and the grandparents are also from Tamil Nadu, the petitioner can only be called as a Tamilian. I hold that the petitioner is a native of Tamil Nadu. It is obvious that the expression “nativity” denotes the roots on which a person is anchored.

6. In that view of the matter, the petitioner can only be a native of Tamil Nadu. Therefore, respectfully following the aforesaid order dated 11.11.2020 made in W.P.No.15393 of 2020 (*Varsha Parappa Totagi V. The District Collector, Chennai*), the order impugned in this writ petition is quashed. The second respondent is directed to issue Nativity Certificate, certifying that the petitioner hails from Srirangam Taluk. The second respondent shall issue the Nativity Certificate to the petitioner within a period of seven days from the date of receipt of a copy of this order.”

7. I am in complete agreement with the above findings of Justice G.R.Swaminathan and I am inclined to follow the said order. As rightly held by the learned Single Judge, if a family had gone abroad for employment purposes, that does not in anyway take away the nativity of the person which has been recognized by issuing aadhaar card, passport in the name of Varunika Balamohan.



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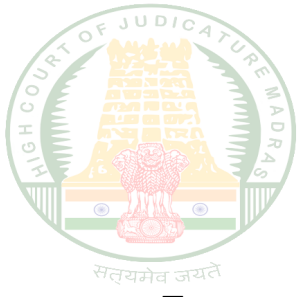
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8. In the light of the above discussion, the impugned online rejection order of the 2nd respondent is hereby set aside and there shall be a direction to the 2nd respondent to issue Nativity Certificate to the petitioner's granddaughter Varunika Balamohan within a period of one week from the date of receipt of a copy of this order.

In the result, this writ petition is allowed on the above terms. No costs.

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Index : Yes/No
Neutral Citation : Yes/No
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To

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O/o.The District Collector
Thiruvarur District

2.The Tahsildar
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Mannargudi Taluk
Thiruvarur District



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N. ANAND VENKATESH, J.

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