



W.P.(MD)No.931 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.931 of 2025

N. Dhamotharan

... Petitioner

/Vs./

1. The Sub Collector cum
Revenue Divisional Officer,
Periyakulam,
Theni District.
2. The Sub Registrar
O/o. the Sub Registrar,
Theni, Theni District.
3. The Commissioner
Theni - Allinagaram Municipality,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to cancel / revoke the Birth Certificate dated 21.08.2024 issued by the 2nd Respondent in the name of N.Dhamotharan with the date of birth as 15.05.1989 bearing Registration No.20 dated 02.11.2010 and confirmed the Birth Certificate issued by the 3rd Respondent dated 25.11.2024.

For Petitioner : Mr.Pounraj

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

This writ petition has been filed for a direction, directing the respondents to cancel / revoke the birth certificate dated 21.08.2024 issued by the second respondent as if the petitioner was born on 15.05.1989 vide Registration No.20, dated 02.11.2010.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner was born on 07.10.1989 at the Government Hospital, Theni. His parents, viz., Namperumal and Kothai Andal, duly informed the third respondent along with information from the hospital, the third respondent registered the petitioner's birth vide document No. 125/1989/02/00450 dated 11.10.1989. However, in order to admit the petitioner in the School, the petitioner's father has wrongly given the date of birth as if he was born on 15.05.1989 and admitted in the School, since the last date to get admission in the State of Tamil Nadu is 31st July.



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Subsequently, the petitioner's father in order to justify the birth date, which was given at the time of admission into the School, in Cr.M.P.No. 4855 of 2010 before the District Munsif cum Judicial Magistrate, Aundipatti and furnished the details as if the petitioner was born on 15.05.1989. In view of the information furnished by the petitioner's father, the learned Magistrate, vide order dated 02.11.2010 directed the registering authority, to register the petitioner's birth as 15.05.1989. As directed by the learned Magistrate, the second respondent registered the petitioner's birth as 15.05.1989 on 02.11.2010 vide document No.20.

4. While being so, the petitioner applied for passport. The passport authorities verified the birth of the petitioner and found that there are two registrations of the petitioner's birth. On the information given by the hospital authorities and his parents, originally the registering authority registered the petitioner's birth as 07.10.1989 on 11.10.1989 vide document No.125/1989/02/00450. Thereafter, as directed by the learned Magistrate, the registering authority once again registered the petitioner's birth as he was born on 15.05.1989, on 02.11.2010 vide document No.20. Therefore, the passport authority directed the petitioner to cancel any one



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of the birth certificate of the petitioner, as stated supra, immediately, after the petitioner's birth, it was informed to the registering authority and the same was registered on 11.10.1989 and registered the birth of the petitioner as 07.10.1989. Therefore, the registration of the birth of the petitioner as 15.05.1989 as directed by the learned Magistrate, cannot be sustained and the same is liable to be quashed, accordingly, birth certificate vide document No.20, dated 02.11.2010, is hereby quashed. The petitioner can very well approach the passport authority with the birth certificate registered vide document No.125/1989/02/00450, dated 11.10.1989 as the birth date of 07.10.1989 for all purposes.

5. With the above observation, this Writ Petition stands allowed.

The petitioner can also apply for change of his birth date in all school certificates and other certificates.

10.01.2025

Index : Yes / No
NCC : Yes / No
LS



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G.K.ILANTHIRAIYAN, J.

LS

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