



W.P(MD)No.9327 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.9327 of 2025

and

W.M.P(MD)NO. 6971 of 2025

Panjavarnam

... Petitioner

Vs

1.The Regional Officer,
Unique Identification of India,
Khanija Bhavan,
No. 49, 3rd Floor South Wing Race Course Road,
Bangalore - 560 001.

**(The first respondent is deleted as per order
dated 04.04.2025)**

2.The Revenue Divisional Officer,
The Office of the Revenue Divisional,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire relevant records related a impugned order passed by the 2nd respondent vide Oo.Mu.Aa1/6309/2021, dated 10.02.2025, and consequently quash the same as illegal and direct the 2nd respondent to issue birth certificate forthwith to the petitioner based on his Application, dated 24.09.2021 within a stipulated time that may be fixed by this court.



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For Petitioner : Mr.R.Senthilkumar,

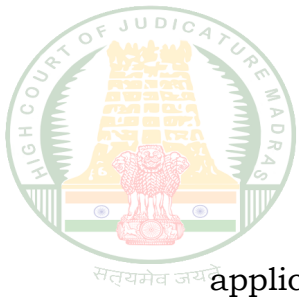
For Respondents : Mr.G. Suriyananth
Additional Government Pleader
(for R2)

ORDER

The first respondent is not a proper and necessary party to this writ petition. Hence, he is deleted.

2. The petitioner challenges the order of the second respondent in refusing to issue a birth certificate to her based on her application dated 24.09.2021.

3. The petitioner states that she was born to a couple, Muniyandi and Muniyammal, on 05.07.1962. She pleads that she studied till 10th standard at Government Girls Higher Secondary School at Manamadurai. She states that her father had been working in the Railways. On his death, she has drawn her father's pension. She applied for an Aadhaar card and gave the correct date of birth as per her school certificate. However, in the earlier Aadhaar card, the details of her father were incorrectly mentioned. Hence, she filed an



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application for correction of the Aadhaar card. The said application was rejected, stating that the date of birth has been given in the Aadhaar card as 02.06.1968 instead of 05.07.1962. Therefore, she approached the Tahsildar at Manamadurai for correction of the date of birth. As she required the correct date of birth to upload to Aadhaar authorities, she approached the second respondent. The second respondent refused to issue the certificate under the impugned order, stating that she was born in 1962 and that the Registration of Births and Deaths Act came into force in Tamil Nadu in the year 1970, and therefore, he cannot issue the birth certificate. Challenging the same, the present writ petition.

4. I have heard Mr.R.Senthilkumar, for the petitioner, and Mr.G.Suryananth, learned Additional Government Pleader, for the second respondent.

5. In terms of Rule 9 of the Tamil Nadu Registration of Birth and Death Rules 2000, three situations are contemplated. The first situation is where birth or death is registered within 30 days of the occurrence. The second situation is where the information is not registered within 30 days, but before the expiry of the period of one year. The third situation is where the birth or death is not registered



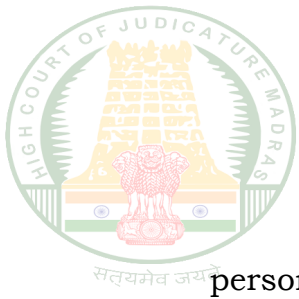
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for a period of more than one year from the event. In case, the situation contemplated under the third situation arises, the concerned person has to approach the Executive Magistrate of the area, not below the rank of the Revenue Divisional Officer, and file an application. Together with the application, the concerned person would also pay a late fee of Rs.500/-. There is no bar under the Act or Rules for the issuance of a birth certificate, which has taken place before the coming into force of the Registration of Births and Deaths Act, 1969.

6. A reading of Rule 9(3) shows that in case registration has not been done within one year, the Executive Magistrate holding the rank of the Revenue Divisional Officer and above, can conduct an enquiry as he/she deems fit and thereafter, pass appropriate orders on the application.

7. In this case, the petitioner states that she has school records to substantiate the fact that she was born on 05.07.1962. She wants to correct the date of birth in her Aadhaar card from 02.06.1968 to 05.07.1962. The Aadhaar officials are not willing to update the date of birth unless and until it is substantiated by a birth certificate. If the law as understood by the second respondent is applied, then a



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person born before 1970 will not be entitled to a birth certificate at all.

Such an interpretation of the law would lead to absurdity and it should be avoided.

8. In the light of the above discussion, the impugned order passed by the second respondent vide Oo.Mu.Aa1/6309/2021, dated 10.02.2025, is quashed. The application filed by the petitioner dated 24.09.2021 is restored on the file of the second respondent. The petitioner shall pay a sum of Rs.500/- as per Rule 9(3), in case, it has not already been paid. The petitioner shall file a notarized affidavit of two witnesses in order to substantiate her plea that she was born on 05.07.1962. She shall also produce other records to show her date of birth as 05.07.1962. The second respondent shall pass orders on the same on or before 28.04.2025.

9. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



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V.LAKSHMINARAYANAN, J.

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