



W.P(MD)No.15728 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.15728 of 2025

B.Marikannan

... Petitioner

Vs.

1.The Commissioner,
The Madurai City Municipal Corporation,
Anna Maligai,
Thallakulam,
Madurai 625 002.

2.The Assistant City Health Officer,
The Madurai City Municipal Corporation,
Anna Maligai,
Thallakulam,
Madurai 625 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the order dated /05/2025 in Letter No.H6/ 5592/2025 by the second respondent and quash the same and to incorporate the name of the petitioner in the register being maintained by the respondents under the Registration of Births an Deaths Act.



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For Petitioners : Mr.V.N.Arjun

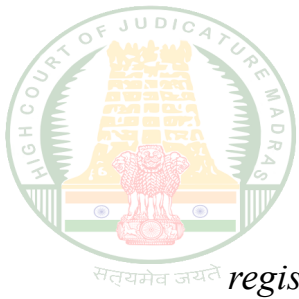
For Respondents : Mr.K.K.Kannan
Standing Counsel

ORDER

This writ petition is filed against the impugned order passed by the second respondent, dated 20.05.2025, whereby, the request of the petitioner for including his name in the birth register was rejected citing the amendment to Tamil Nadu Registration of Births and Deaths Rules, 2000 as amended by G.O.Ms.No.415, Health and Family Welfare (AB2) Department, dated 27.09.2021.

2. As per the Tamil Nadu Registration of Births and Deaths Rules, 2000, the amendment brought to Rule 10(1) of the aforesaid Rule, following proviso has been added:

“Provided also that on and from the 27.09.2021, in cases where the registration had been made prior to the date of commencement of the Tamil Nadu Registration of Births and Deaths Rules, 2000 and the information regrading the name of the child is not given within the time-limit specified in the second proviso, for the purpose of taking action as laid down therein, the parent or guardian of the child shall give the information regarding the name of the child to the Registrar within a further period of five years:



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Provided also that on and from the 27.09.2021, in cases where the registration had been made after the date of commencement of the Tamil Nadu Registration of Births and Deaths Rules, 2000 and the time limit specified in the first proviso has already been lapsed, for the purpose of taking action as laid down therein, the parent or guardian of the child shall give the information regarding the name of the child to the Registrar within a further period of five years”

3. The petitioner was born on 22.09.1984. Although the petitioner's birth was registered on 28.11.1986, the petitioner's name was not included in the birth register. Since the inclusion of name is now required in connection with his employment in abroad, the petitioner approached the respondents for inclusion of his name in the birth certificate, so as to produce an extract before the appointing authority/employing authority. However, the respondents rejected the request, citing the aforementioned amendments to the Tamil Nadu Registration of Births and Deaths Rules, 2000.

4. The learned counsel for the petitioner has drawn attention to the identical issue dealt by the High Court of Karnataka in the case of ***Fathima Richelle Mather Vs The Registrar of Births and Deaths and Commissioner.***

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondents.



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6. I am of the view that the Rules cannot be inflexible, so as to deprive the citizen's right of livelihood. In this case, the application of the amendment to the aforesaid Rules has resulted in the rejection of the petitioner's request for inclusion of his name in the birth register. The Rules are intended only for furthering the object of the Act and not put the citizens to any disadvantage. That apart, when the petitioner was born, it was not mandatory for registration of the birth or inclusion of the name in the register. Therefore, I see no impediment in quashing the impugned order.

7. Accordingly, the impugned order stands quashed and the respondents are directed to incorporate the name of the petitioner in the birth register maintained by them under the provisions of the Tamil Nadu Registration of Births and Deaths Act and give an extract of the same after incorporating the name of the petitioner in the birth register. It is needless to state that the petitioner shall pay the requisite charges that are required for the aforesaid operation. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order.



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8. The writ petition stands allowed with the above direction. There shall be no order as to costs.

11.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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The Madurai City Municipal Corporation,
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Thallakulam,
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2. The Assistant City Health Officer,
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C.SARAVANAN, J.

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