



W.P.(MD) No.20331 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.20331 of 2025

D.Janakiraman

... Petitioner

/vs./

**1.The Deputy City Health Officer,
Madurai Corporation,
Madurai.**

**2.The Commissioner,
Madurai Corporation,
Madurai.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings No.H5/004805/2025 and No.H5/004804/2025 dated 06.05.2025 issued by 1st respondent,quash the same and consequently direct the 2nd respondent herein to insert the names of sons of the petitioner in their respective Birth Register No.80 and 625 respective registered prior to the Tamil Nadu Registration Birth and Death Rule 2000, within the prescribed extended period of 27.09.2026 as per G.O. Ms No.415 Health and Family Welfare (AB-2) dated 27.09.2021.



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For Petitioner : Mr.S.Srinivasa Raghavan
For Respondents : Mr.S.Vinayak
Standing Counsel

ORDER

Mr.S.Vinayak, learned Standing Counsel takes notice for the respondents.

2.The petitioner has filed this writ petition, challenging the impugned communication, dated 06.05.2025, issued by the first respondent/the Deputy City Health Officer and to direct the second respondent/the Commissioner, to insert the names of the respective sons of the petitioner, namely, J.Dhandapani and J.Prasanna born on 29.05.1988 and 29.12.1993 respectively in their Birth Register Nos.80 and 625 under the provisions of the Tamil Nadu Registration of Birth and Death Rules, 2000, as per G.O.Ms.No.415, Health and Family Welfare (AB-2), dated 27.09.2021.

3.Although the Date of Birth has been registered in the register of Births and Deaths maintained by the respondent Corporation, the names of the petitioner's sons have not been included as is required under Section 14 of the Registration of Births and Deaths Act, 1969 (*herein after referred to as Act*).



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4.As per Section 14, where the birth of any child has been registered without a name, the parent or guardian of such child shall, within the prescribed period, give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date the entry.

5.To give effect to the purport of Section 14 of the Act, the Government of Tamil Nadu has framed Tamil Nadu Registration of Births and Deaths Rules, 2000 (*herein after referred to as Rule*), vide G.O.Ms.No.528, Health and Family Welfare (AB-2) Department, dated 29.12.1999. The said Rule came into force with effect from 01.01.2000.

6.As per Rule 10(1) of the aforesaid Rule, where, the birth of any child had been registered without a name, the parent or guardian of such child shall, within 12 months from the date of registration of the birth of child, give information regarding the name of the child to the Registrar either orally or in writing.



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7.As per the first proviso to Rule 10(1), if information is given after the aforesaid period of 12 months, but within a period of 15 years, the same shall be reckoned:-

(i) in case where the registration had been made prior to the date of commencement of the Tamil Nadu Registration of Births and Deaths Rules, 2000 from such date, or

(ii) in case where the registration is made after the date of commencement of the Tamil Nadu Registration of Births and Deaths Rules, 2000 from the date of such registration, subject to provisions of sub – section (4) of section 23.

8.In this case, admittedly, the registration has been made at the time of the birth, however, without the name. Therefore, as per the second proviso to Rule 10(1), 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 regarding the name of the child is not given within the time-limit specified in the first proviso, for the purpose of taking action as laid down therein, the parent or guardian of the child has to give the information regarding



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the name of the child to the Registrar within a further period of five years and the Registrar shall,-

(a) if the Register is in his possession forthwith enter the name in the relevant column of the concerned form in the birth register on payment of a late fee of rupees two hundred and

b) if the Register is not in his possession and if the information is given orally, make a report giving necessary particulars, and, if the information is given in writing, forward the same in the case of the local authorities specified in column (1) of the Table below to the officers specified in the corresponding entries in column (2) thereof for making necessary entry on payment of a late fee of rupees two hundred.

<i>Local Authorities (1)</i>	<i>Officers (2)</i>
<i>Village Panchayat Town Panchayat Cantonment Municipality Neyveli Lignite Corporation Corporation</i>	<i>Village Panchayat President Executive Officre Do Commissioner Chief Health Officer Commissioner</i>



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9.A further amendment has been brought to Rule 10 of the aforesaid Rule and a third proviso has now been inserted, vide G.O.Ms.No.415, Health and Family Welfare (AB-2) Department, dated 27.09.2021.

10.As per the third proviso, on and from 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 regarding the name of the child is not given with 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.

11.By G.O.Ms.No.415, Health and Family Welfare (AB-2) Department, dated 27.09.2021, the second proviso has been amended along with insertion of 4th proviso. The proviso as it stood prior to 07.09.2021, reads as under:-

“Provided further that 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 regarding the name of the child is not given within the time-limit specified in the first proviso, for the purpose of taking action as laid down therein, the parent or guardian of the child shall give the



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information regarding the name of the child to the Registrar within a further period of five years.”

12.After the amendment, the second proviso and the third proviso read differently. For the sake of clarity, they are reproduced as under:-

<i>Second proviso</i> <i>(as inserted by G.O.Ms.No.252, Health and Family Welfare (AB-2), dated 18.10.2016</i>	<i>Third proviso</i> <i>(as inserted/substituted by G.O.Ms.No.415, Health and Family Welfare (AB-2), dated 27.09.2021</i>
<i>Provided further that 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 regarding the name of the child is not given within the time-limit specified in the first 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.</i>	<i>Provided 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 regarding the name of the child is not given with 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:</i>

13.Thus, reading of a third proviso makes it clear that on and from 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 regarding the name of the child is not given with the time-limit specified in the second proviso, for the purpose of taking action as laid



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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.

14.The aforesaid Government Order is an amendment to the provisions of the Tamil Nadu Registration of Births and Deaths Rules, 2000. The period of 5 years will start from 27.09.2021. The above amendment has been published in the Tamil Nadu Government Gazette Extraordinary in Part III – Section 1(a), dated 27.09.2021 in Gazette No.438.

15.Thus, the further period of 5 years has been extended and the 5 years period will start from the date of the aforesaid Gazette Notification and also during the interregnum period. This is the purpose, for which the aforesaid amendment has been introduced. The time would thus expire on 26.09.2026.

16.That apart, the purpose for enacting the Registration of Births and Deaths Act, 1969, is to give a legal status to the existing records in the registration Department and in the national interest to have an acceptable level of



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performance by the State and technical uniformity of methods and standards used in collection and compilation of data throughout the country. The preamble to the Act states as follows:-

“.....The Bill lays down specific principles, general lines of action and channels of authority but execution is left with the States, and accordingly, details of implementation are relegated to the rules to be made by the State Governments with the approval of the Central Government so as to secure a minimum uniformity. The Bill also empowers the Central Government to issue directions to State Governments for implementing the provisions of the Bill when enacted.”

17. Therefore, I see no justification in the impugned communication, based on the clarification issued by the Director of Public Health and Preventive Medicine and Chief Registrar of Birth and Deaths, 359, Anna Salai, Chennai 6, dated 06.04.2024 bearing Ref.R.No.8732/SBHI-I/S1/2014 and another Government Letter No.45486/AB2/2021-2, Health and Family Welfare Department, dated 23.03.2022 issued earlier.

18. The clarification given therein is not furthering the object, for which the amendments have been incorporated to the provisions of the Tamil Nadu



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Registration of Births and Deaths Rules, 2000, framed under Section 13 of the Act.

19. Therefore, the Writ Petition deserves to be allowed and is accordingly, allowed. The impugned communication, dated 06.05.2025, issued by the first respondent/the Deputy City Health Officer is hereby quashed and the second respondent is directed to insert the names of the respective sons of the petitioner, namely, J.Dhandapani and J.Prasanna born on 29.05.1988 and 29.12.1993 respectively in their Birth Registers within a period of six weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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