



W.P(MD)No.25666 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25666 of 2025

Noormohamed Khan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Manamadurai,
Sivagangai District.

2.The Tahsildar,
Tahsildar Office,
Manamadurai,
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 record relating to the impugned order in Oo.Mu.Aa 1/583/2024 dated 28.06.2024 issued by the first respondent and quash the same consequently direct the respondents to register the birth of the petitioner Noormohamed Khan, S/o.Syedali on 27.02.1968 upon consideration of the original records produced and issue the birth certificate within a time frame fixed by this Court.



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For Petitioner : Mr.R.Riyas Ahamed
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

Heard both sides.

2.The writ petitioner was born on 27.02.1968 in Manamadurai. He wanted to register his birth and obtain birth certificate. His request was rejected on the ground that he was born before the enactment of the Registration of Births and Deaths Act, 1969. Challenging the rejection order vide memorandum dated 28.06.2024, this writ petition has been filed.

3. The issue raised in this writ petition is no longer res integra. I already decided the issue vide order dated **25.03.2024** in ***W.P.(MD) No. 6943 of 2024 (Abdul Majeeth V. The Revenue Divisional Officer)***.

Paragraph Nos.5 and 6 read as follows:-

“5. I carefully considered the rival contentions and went through the materials on record. The first respondent asked a wrong question to himself. The question is not



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whether the Central Act 18 of 1969 is prospective or retrospective. The question is whether the petitioner can be granted relief. Before the Central Act 18 of 1969 was enacted, the registration of births, deaths and marriages Registration Act, 1886 was governing the field. Section 19 of the said Act reads as follows:-

“19. Duty of Registrar to register births and deaths of which notice is given.—Every Registrar of Births and Deaths of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book:”

Section 22 of the said Act provide for entry of birth or death. Section 22 of the Act read as follows:

“22. Entry of birth or death to be signed by person giving notice.— (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar:”

Thus, there was a mechanism for registering one's birth and death. Of course, it was then optional. Only recently, it has been made compulsory. The learned Special Government Pleader drew my attention to Rule 9 of Tamil



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Nadu Registration of Births and deaths Rules, 2000 which is as follows:

“9.Authority for delayed registration and fee payable thereof under section 13

(3) Any birth or death which has not been registered within one year of its occurrence shall be registered by an order of the Executive Magistrate not below the rank of a Revenue Divisional Officer and on payment of late fee of rupees Five hundred.”

6. If there was no system of registering one's birth prior to 1969, the impugned memorandum has to be sustained. But there was a statute governing the field. The petitioner's parents failed to register his birth. Therefore, Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 can very well be applied. If the petitioner is unable to furnish any proof, the first respondent cannot be expected to exercise his power. If the petitioner is able to furnish materials such as earliest entry in the school records, then certainly the petitioner's birth can be registered subject to payment of late fee.”

4.In this view of the matter, the impugned memorandum is set aside. The matter is remitted to the file of the first respondent. The petitioner shall appear before the first respondent on **31.10.2025 at 03.00 p.m.** The petitioner shall also furnish the materials available to show that



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he was born on 27.02.1968. If the respondent is satisfied with the materials furnished by the petitioner, the date of birth of the petitioner as sought for shall be entertained and the certificate shall be issued, thereafter.

5.This Writ Petition is allowed on these terms. No costs.

15.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Manamadurai,
Sivagangai District.

2.The Tahsildar,
Tahsildar Office,
Manamadurai,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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