



IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.138 OF 2026

Mrs. Caridade Fernandes,
Housewife, Indian national, Aged
53 years, daughter of Jose Camilo
Fernandes, resident of House no
230/2, Rebod, Pulvaddo,
Benaullim, Salcete Goa.

....Petitioner.

Versus

1. The Sub Registrar of Births and
Death, Margao Muncipal
Council, Margao Goa
2. The Chief Officer,
Margao Muncipal Council,
Margao Salcete Goa
3. State of Goa,
Through its Chief Secretary
Having office at Secretariat,
Porvorim Goa

...Respondents.

Ms. Suzette Pereira, Advocate (through V.C.) for the Petitioner.

Mr. Geetesh R. Shetye, Additional Government Advocate for
Respondents No.1 and 3.

Mr. Vinoj K. Daniel, Advocate for Respondent No.2.

CORAM: VALMIKI MENEZES, J.

DATED: 23rd FEBRUARY, 2026.

ORAL JUDGMENT:

1. Registry to waive office objections and register the matter.
2. Rule. Rule is made returnable forthwith.
3. This Petition impugns the Order of the Chief Officer, Margao Municipal dated 04.09.2023 rejecting the Petitioner's application for re-construction of the birth record of the year 1971 where her birth has been registered under Registration No.589 dated 12.04.1971, recording her birth on 03.04.1971; the second Order impugned in this Petition is also passed by the Chief Officer and is dated 03.11.2023, by which the Chief Officer has rejected the application for re-construction of the old Birth Certificate.
4. On issuance of Notice to the Chief Officer, the Chief Officer has filed an affidavit dated 18.12.2025; in this affidavit, the Chief Officer has stated that the birth records of the Petitioner were verified, and it was found that the live report bearing registration No. 589 dated 12.04.1971 was not

traceable in the records as the records were destroyed. The affidavit further states that Birth and Death registration records from the years 1971 till 1976 are in mutilated condition in the office of the Chief Officer, Margao Municipal Council. The affidavit further states that the Municipal Council requested the Medical Superintendent, of Hospicio South Goa District Hospital, Margao-Goa to verify from their records and the birth of the Petitioner to Esperanca Braganca and Jose Camilo Femandes has been recorded on 03.04.1971 in the Hospital records. Accordingly, the Chief Officer accepts that there is a record of live birth that has been sent to the Municipal Council at the relevant time.

5. This being the position, it is only a question of re-constructing the records of Birth and Death in the Office of the Chief Officer, procedure for which is provided under Section 3 of The Goa Reconstruction of Registers and Records Act, 2005, read with Rule 3 of the Goa Reconstruction of Registers And Records Rules, 2008.

6. The Chief Officer of Margao Municipal Council is, therefore, directed to accept a fresh application from the Petitioner for reconstruction of the record of Birth in the manner prescribed, which

shall be given entry within a period of two weeks from today. The Chief Officer shall then consider the application and, since there is now a valid record of live birth furnished by the Hospicio Hospital for the birth of the Petitioner, the Chief Officer shall reconstruct the records of Birth and make Entry of the Birth of the Petitioner by following the procedure of reconstruction of records as prescribed. This shall be done within three weeks from receipt of the application.

On the record of the Birth of the Petitioner being reconstructed for the year 1971, the Chief Officer shall make a consequent entry in the record of Birth under Entry No.B/3880D/1999 dated 29/09/1999 and the fresh registration of Birth which was effected in the name of the Petitioner shall be deleted, as obviously the Petitioner cannot have two registrations of her birth in the same record. Deletion shall be effected simultaneously with the Entry made on the Reconstruction of Record of 1971.

7. Rule is made absolute in the above terms.

VALMIKI MENEZES, J.