

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942

W.P.(C)No.4207 OF 2020(A)

PETITIONER/S:

BILSY JOSEPH, AGED 45 YEARS  
W/O.BIJU POOTHAVELIL JOHN, NOW RESIDING AT  
3743, FALKNER DRIVE, NAPERVILLE, ILLINOIS-  
60564, UNITED STATES OF AMERICA, REPRESENTED  
BY HER POWER OF ATTORNEY HOLDER (MOTHER),  
ROSAMMA JOSEPH, AGED 70 YEARS, W/O.DEVASSIA  
JOSEPH, EDAKKERIL, BOAT JETTY, VAZHAPALLY  
EAST, CHANGANACHERRY, KOTTAYAM-686101.

BY ADVS.

SRI.C.P.CHANDRASEKHARAN (CALICUT)  
SMT.APARNA C.MENON

RESPONDENT/S:

- 1 REGISTRAR OF BIRTHS AND DEATHS  
CHANGANASSERY MUNICIPALITY, CHANGANASSERY P.O.,  
KOTTAYAM-686101.
- 2 THE VILLAGE OFFICER,  
VAZHAPPALLY, CHANGANASSERY-686101.
- 3 THE REVENUE DIVISIONAL OFFICER,  
REVENUE DIVISIONAL OFFICE, MINI CIVIL STATION,  
KOTTAYAM DIST.-686101.

R1 BY SRI.M.P.MADHAVANKUTTY, SC,  
CHANGANACHERRY MUNICIPALITY  
R3 BY GOVERNMENT PLEADER

OTHER PRESENT:

SMT.G.RANJITHA, GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**“CR”****JUDGMENT**

The petitioner, a citizen of India, presently residing at Illinois, USA has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the 1<sup>st</sup> respondent Registrar of Births and Deaths, Changanassery Municipality to issue certificate of birth, in consonance with Ext.P3 Secondary School Leaving Certificate issued by the Board of Public Examinations, Government of Kerala; and a writ of mandamus commanding the 1<sup>st</sup> respondent to consider and pass appropriate orders on the application made by the petitioner, within a time limit to be fixed by this Court.

2. Going by the averments in the writ petition, the date of birth of the petitioner and her twin sister Smt.Binney Joseph is 03.05.1975. The birth of the petitioner and her twin sister was not reported to the 1<sup>st</sup> respondent Registrar of Births and Deaths due to an inadvertent omission on the part of their parents. The petitioner, after marriage, shifted her residence to Illinois, USA where she is residing with her

husband Sri Biju Poothanvelil John. The petitioner is pursuing her studies in Nursing and working as an entry level Nurse. She is holding H4 Visa, as a dependant of her husband, who is holding H1-B Visa. The document marked as Ext.P2 is a true copy of her Indian Passport; Ext.P3 is her Secondary School Leaving Certificate issued by the Board of Public Examinations, Government of Kerala; Ext.P4 is her Indian Union Driving Licence issued by the Assistant Licensing Authority, Changanassery; and Ext.P5 is her PAN Card issued by the Income Tax Department, Government of India. In Exts.P2 to P5 the date of birth of the petitioner is shown as 03.05.1975. The document marked as Ext.P6 is a true copy of the Baptism Certificate issued by the Assistant Vicar of St. Xavier's Forane Church, Thrickodithanam, Changanassery, in which her date of birth is shown as 07.09.1974. According to the petitioner, at the time of Baptism, her date of birth was mistakenly given as 07.09.1974, instead of 03.05.1975.

3. Going by the averments in the writ petition, the petitioner submitted an application before the 1<sup>st</sup> respondent

Registrar of Births and Deaths for birth certificate. The petitioner was asked to produce the details of birth from the hospital where she was born. The petitioner approached the Superintendent, General Hospital, Changanassery, who by Ext.P7 communication dated 14.03.2019, informed the petitioner's mother as to non-availability of birth register of the year 1975. The 1<sup>st</sup> respondent forwarded the file to the 3<sup>rd</sup> respondent Revenue Divisional Officer, Kottayam. Before the 3<sup>rd</sup> respondent, the petitioner's mother submitted Ext.P8 representation dated 02.09.2019, along with Ext.P9 affidavit sworn to before a notary public on 20.06.2019, with a request to issue non-availability certificate. The 3<sup>rd</sup> respondent called for a report from the 2<sup>nd</sup> respondent Village Officer, who submitted a report dated 27.07.2019, which was followed by Ext.P10 report dated 07.09.2019, in which the 2<sup>nd</sup> respondent reported the date of birth of the petitioner as 09.07.1974, based on the Baptism Certificate and the statements given by her neighbours. On receipt of Ext.P10 report, the 3<sup>rd</sup> respondent by Ext.P11 communication dated 11.11.2019

called for a detailed report from the 2<sup>nd</sup> respondent, since the date of birth of her brother Sri Binu Joseph is shown as 10.05.1974 in the affidavit sworn by her mother before a notary public. Alleging inaction on the part of the 1<sup>st</sup> respondent in issuing certificate of birth, in consonance with Ext.P3 Secondary School Leaving Certificate, the petitioner is before this Court in this writ petition. The petitioner would point out that her husband has already applied for Green Card (Permanent Resident Card) and in the next level of processing he has to submit the birth certificates of his dependants.

4. On 14.02.2020, when this writ petition came up for admission, the learned Standing Counsel for Changanassery Municipality took notice for the 1<sup>st</sup> respondent Registrar of Births and Deaths and the learned Government Pleader took notice for respondents 2 and 3.

5. A statement has been filed by the 1<sup>st</sup> respondent Registrar of Births and Deaths, opposing the reliefs sought for in this writ petition, pointing out the provisions of Section 13 of the Registration of Births and Deaths Act, 1969. The 1<sup>st</sup>

respondent would point out that for registration of birth the petitioner has to obtain orders from the concerned Judicial First Class Magistrate, in view of the provisions under sub-section (3) of Section 13 of the Act, read with sub-rule (3) of Rule 9 of the Kerala Registration of Births and Deaths Rules, 1999, instead of invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India.

6. The petitioner has filed a reply affidavit, contending that, she has approached the 1<sup>st</sup> respondent with an application for issuance of birth certificate, on account of urgency, since her husband who has already applied for Green Card has to submit the birth certificates of his dependants in the next level of processing of that application. For the very same reason, she has approached this Court by invoking the writ jurisdiction.

7. A statement has been filed on behalf of the 3<sup>rd</sup> respondent, opposing the reliefs sought for in this writ petition and pointing out the provisions under sub-section (3) of Section 13 of the Registration of Births and Deaths Act. The

request made by the petitioner to register her birth with the date of birth shown in Ext.P3 Secondary School Leaving Certificate is pending enquiry and the 2<sup>nd</sup> respondent Village Officer has already verified the relevant documents in detail and recorded the statement of two neighbours. The date of birth of the petitioner does not tally with the date of birth of her brother Sri Binu Joseph, shown in the affidavit sworn by the petitioner's mother before a notary public. This discrepancy is yet to be clarified by the petitioner by submitting the relevant documents. Other than the said affidavit, the petitioner was unable to produce any document to substantiate the claim to register her birth with the date of birth as shown in Ext.P3 Secondary School Leaving Certificate. The school certificate of the immediate brother/sister of the petitioner is also to be verified, which is yet to be submitted. Further enquiry is in progress and the 3<sup>rd</sup> respondent is yet to dispose of the case.

8. Heard the learned counsel for the petitioner, the learned Standing Counsel for Changanassery Municipality

representing the 1<sup>st</sup> respondent Registrar of Births and Deaths and also the learned Government Pleader appearing for respondents 2 and 3.

9. The Registration of Births and Deaths Act, 1969 was enacted by the Parliament to provide for the regulation of registration of births and deaths and for matters connected therewith. The said Act came into force in the whole of the State of Kerala, with effect from 01.04.1970. Section 8 of the Act deals with persons required to register births and deaths. As per sub-section (1) of Section 8, it shall be the duty of the persons specified in clauses (a) to (f) to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16. As per clause (b) of sub-section (1) of Section 8, in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the Medical Officer in charge or



any person authorised by him in this behalf shall give information to the Registrar of the several particulars required to be entered in the prescribed form. As per sub-section (2) of Section 8, notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (1), instead of the persons specified in that clause. Section 9 of the Act deals with special provision regarding births and deaths in plantation. As per Section 12 of the Act, the Registrar shall, as soon as the registration of a birth or death has been completed, give, free of charge, to the person who gives information under Section 8 or Section 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death.

10. Section 13 of the Act deals with delayed

registration of births and deaths. As per sub-section (1) of Section 13, any birth of which information is given to the Registrar after the expiry of the period specified therefor, but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed. As per sub-section (2), any birth or death of which delayed information is given to the Registrar after thirty days, but within one year of its occurrence, shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government. As per sub-section (3), any birth or death which has not been registered within one year of its occurrence shall be registered only on an order made by a Magistrate of the First Class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee. As per sub-section (4) of Section 13, the provisions of this Section shall be without prejudice to any action that may be taken against a person for failure on his

part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.

11. Section 17 of the Act deals with search of births and deaths register. As per sub-section (1) of Section 17, subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may cause a search to be made by the Registrar for any entry in a register of births and deaths; and obtain an extract from such register relating to any birth or death. As per the proviso to sub-section (1), no extract relating to any death, issued to any person, shall disclose, the particulars regarding the cause of death as entered in the register. As per sub-section (2) of Section 17, all extracts given under this Section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in Section 76 of the Indian Evidence Act, 1872 and shall be admissible in evidence for the purpose of proving the birth or death to

which the entry relates. Section 23 of the Act deals with penalty. As per sub-section (5) of Section 23, notwithstanding anything contained in the Code of Criminal Procedure, 1898 an offence under this Section shall be tried summarily by a Magistrate.

12 In exercise of the powers conferred by Section 30 of the Registration of Births and Deaths Act, 1969 and in supersession of the Kerala Registration of Births and Deaths Rules, 1970 the Government of Kerala, with the approval of the Central Government, made the Kerala Registration of Births and Deaths Rules, 1999. Rule 5 of the Rules deals with form, etc., for giving information of births and deaths. As per sub-rule (1) of Rule 5, the information required to be given to the Registrar under Section 8 or Section 9, as the case may be, shall be in Form Nos.1, 2 and 3 for the Registration of a birth, death and stillbirth respectively (to be collectively called the reporting forms). Information if given orally, shall be entered by the Registrar in the appropriate reporting forms and the signature/thumb impression of the informant

obtained. As per sub-rule (2), the part of the reporting forms containing legal information shall be called the 'Legal Part' and the part containing statistical information shall be called the 'Statistical Part'. As per sub-rule (3), the information referred to in sub-rule (1) shall be given within twenty-one days from the date of birth, death and stillbirth.

13. Rule 9 of the Rules deals with authority for delayed registration and fee payable therefor. As per sub-rule (1) of Rule 9, any birth or death of which information is given to the Registrar after the expiry of the period specified in Rule 5, but within thirty days of its occurrence, shall be registered on payment of a late fee of rupees two. As per sub-rule (2), any birth or death of which information is given to the Registrar after thirty days but within one year of its occurrence, shall be registered only with the written permission of the officer prescribed in this behalf and on payment of a late fee of rupees five. As per sub-rule (3), any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order of a Magistrate of the First Class

or a Presidency Magistrate and on payment of a late fee of rupees ten.

14. Rule 13 of the Rules deals with fees and postal charges payable under Section 17 of the Act. As per sub-rule (1) of Rule 13, the fees payable for a search to be made, an extract or a non-availability certificate to be issued under Section 17, shall be as follows; (a) search for a single entry in the first year for which the search is made – Rs.2/-; (b) for every additional year for which the search is continued – Rs.2/-; (c) for granting extract relating to each birth or death – Rs.5/-; and (d) for granting non-availability certificate of birth or death – Rs.2/-. As per sub-rule (2), any such extract in regard to a birth or death shall be issued by the Registrar or the officer authorised by the State Government in this behalf in Form No.5 or, as the case may be, in Form No.6 and shall be certified in the manner provided for in Section 76 of the Indian Evidence Act, 1872. As per sub-rule (3), if any particular event of birth or death is not found registered the Registrar shall issue a non-availability certificate in Form

No.10. As per sub-rule (4), any such extracts or non-availability certificate may be furnished to the person asking for it or sent to him by post on payment of the postal charges therefor.

15. The State Government issued G.O.No.124/72/Home dated 02.08.1972 on the allocation of powers under the Kerala Registration of Births and Deaths Act and the Rules made thereunder. As per the said order, the jurisdiction under sub-section (3) of Section 13 of the Registration of Births and Deaths Act, 1969 and sub-rule (3) of Rule 10 of the Kerala Registration of Births and Deaths Rules, 1970 shall be vested with the Executive First Class Magistrate (Revenue Divisional Officers) and that under Section 23 of the Act, shall be allocated to the Judicial Magistrates.

16. Section 3 of the Criminal Procedure Code, 1973 deals with construction of references. As per sub-section (4) of Section 3, where, under any law, other than this Code, the functions exercisable by a Magistrate relate to matters (a) which involve the appreciation or shifting of evidence or the

formulation of any decision which exposes any person to any punishment or penalty or detention in custody pending investigation, inquiry or trial or would have the effect of sending him for trial before any Court, they shall, subject to the provisions of this Code, be exercisable by a Judicial Magistrate; or (b) which are administrative or executive in nature, such as, the granting of a licence, the suspension or cancellation of a licence, sanctioning a prosecution or withdrawing from a prosecution, they shall, subject as aforesaid, be exercisable by an Executive Magistrate.

17. Chapter VI of the 'Handbook on Civil Registration in Kerala' published by the Chief Registrar, Kerala contains 'Quarries and Clarifications issued by the Registrar General of India'. On Query No.48, the Registrar General of India has clarified that, in view of clause (b) of sub-section (3) of Section 4 of the Criminal Procedure Code, 1973 the functions under sub-section (3) of Section 13 of the Registration of Births and Deaths Act, 1969 can be exercised by an Executive Magistrate. On Query No.56, the Registrar General of India



has clarified that, in view of clause (a) of sub-section (3) of Section 4 of the Criminal Procedure Code, 1973 the power under sub-section (5) of Section 23 of the Registration of Births and Deaths Act, 1969 shall be exercisable by a Judicial Magistrate. Quarry Nos.48 and 56 (at pages 160, 161 and 164) read thus;

**"48. Query:** After coming into operation of the Criminal Procedure Code, 1973 with effect from 1.4.1974 the Government of West Bengal has requested that the authority to exercise power under sub-rule (3) of Rule 10 of West Bengal Registration of Births and Deaths Rules, 1972 be given to Executive Magistrate. As only a First Class Magistrate or a Presidency Magistrate is specified in sub-section (3) of Section 13 of the Registration of Births and Deaths Act, 1969 the authority can now be exercised only by a Judicial Magistrate of the First Class or a Metropolitan Magistrate and not by an Executive Magistrate. It is also for advice whether it would require amendment of the Registration of Births and Deaths Act, 1969, itself or only an amendment in sub-rule (3) of Rule 10 of the West Bengal Registration of Births and Deaths Rules, 1972 would serve the purpose of specifying the appropriate Magistrate allowed by the Criminal Procedure Code, 1973.

**Clarification:** Sub-section (3) of section 13 of the Registration of Births and Deaths Act, 1969 provides that in case of delay of registration of birth or death beyond one year of its occurrence the same shall be registered only on an order made by a Magistrate of the First Class or a Presidency Magistrate after verifying the corrections of birth or death and on payment of prescribed fee. This function of verifying the corrections may involve the appreciation or sifting of evidence or the formulation of a decision but that decision will not expose to any punishment or penalty or will not have the effect of sending any person for a trial so as to bring this function within the meaning of clause (a) of sub-section (4) of section 3 of the Criminal Procedure Code, 1973. At the most, it may be said to be quasi-judicial function. Under the Registration of Births and Deaths Act, 1969, the function under sub-section (3) of Section 13 of the said Act is treated as administrative or executive in nature. Clause (b) of sub-section (3) of Section 4 of the Criminal Procedure Code, 1973 provides that the functions which are administrative or executive in nature exercisable by a Magistrate under any law other than the Code shall be exercisable by an Executive Magistrate. In view thereof the functions under sub-section (3) of section 13 of the Registration of Births and Deaths Act, 1969 can be exercised by an Executive Magistrate."

**“56. Query:** section 23 of Registration of Births and deaths Act, 1969 deals with the penalties. Sub-section (5) of this Section states that an offence under this Section shall be tried summarily by a Magistrate. The point has been raised whether a case in this connection is to be launched in the court of an Executive Magistrate or of a Judicial Magistrate.

**Clarification:** Sub-section (4) of Section 3 of the Criminal Procedure Code, 1973 provides that where the functions exercisable by a Magistrate under any law relate to matters which involve the appreciation, or reading of evidence or the formulation of any decision which expose any person to any punishment or penalty or detention in custody pending investigation or enquiry or trial would have the effect of sending him for trial before any court, they shall be exercisable by a Judicial Magistrate.”

18. In view of clause (b) of sub-section (3) of Section 4 of the Criminal Procedure Code, 1973 the functions exercisable by a Magistrate of First Class or a Presidency Magistrate under sub-section (3) of Section 13 of the Registration of Births and Deaths Act, 1969, which is executive in nature, has to be exercised by an Executive Magistrate (Revenue Divisional Officer). Therefore, the

contention of the 1<sup>st</sup> respondent Registrar of Births and Deaths that for registration of birth the petitioner has to obtain orders from the concerned Judicial First Class Magistrate, in view of the provisions under sub-section (3) of Section 13 of the Act, read with sub-rule (3) of Rule 9 of the Kerala Registration of Births and Deaths Rules, 1999 can only be rejected as untenable.

19. In the instant case, the birth of the petitioner is not registered with the 1<sup>st</sup> respondent Registrar of Births and Deaths, as per the statutory mandate of sub-section (1) of Section 8 of the Registration of Births and Deaths Act, within the time limit prescribed under the provisions of the Rules made thereunder. Section 13 of the Act deals with delayed registration of births and deaths. In view of the provisions under sub-section (3) of Section 13 of the said Act, read with sub-rule (3) of Rule 9 of the Kerala Registration of Births and Deaths Rules and clause (b) of sub-section (3) of Section 4 of the Criminal Procedure Code, the birth of the petitioner, which has not been registered within one year of its occurrence, can

be registered only on an order made by the Executive Magistrate (Revenue Divisional Officer) after verifying the correctness of the birth and on payment of the prescribed fee. Similarly, in order to obtain non-availability certificate, the petitioner has to submit a request before the 1<sup>st</sup> respondent Registrar of Births and Deaths, invoking the provisions under sub-section (1) of Section 17 of the Registration of Births and Deaths Act, after remitting the fee payable under clause (d) of sub-rule (1) of Rule 13 of the Kerala Registration of Births and Deaths Rules.

20. In **Bihar Eastern Gangetic Fishermen Cooperative Society Ltd. v. Sipahi Singh [(1977) 4 SCC 145]**, a Three-Judge Bench of the Apex Court held that a writ of mandamus can be granted only in a case where there is a statutory duty imposed upon the officer concerned and there is a failure on the part of that officer to discharge the statutory obligation. The chief function of a writ is to compel performance of public duties prescribed by statute and to keep subordinate tribunals and officers exercising public

functions within the limit of their jurisdiction.

21. In **Oriental Bank of Commerce v. Sunder Lal Jain [(2008) 2 SCC 280]** the Apex Court held that in order that a writ of mandamus may be issued, there must be a legal right with the party asking for the writ to compel the performance of some statutory duty cast upon the authorities. In the said decision, the Apex Court noticed that the principles on which a writ of mandamus can be issued have been stated in 'The Law of Extraordinary Legal Remedies' by F. G. Ferris and F. G. Ferris, Jr. that, mandamus is, subject to the exercise of a sound judicial discretion, the appropriate remedy to enforce a plain, positive, specific and ministerial duty presently existing and imposed by law upon officers and others who refuse or neglect to perform such duty, when there is no other adequate and specific legal remedy and without which there would be a failure of justice.

22. In **State of U.P. v. Harish Chandra [(1996) 9 SCC 309]** the Apex Court held that under the Constitution a mandamus can be issued by the Court when the applicant

establishes that he has a legal right to performance of legal duty by the party against whom the mandamus is sought and said right was subsisting on the date of the petition. The duty that may be enjoined by mandamus may be one imposed by the Constitution or a Statute or by Rules or orders having the force of law. But no mandamus can be issued to direct the Government to refrain from enforcing the provisions of law or to do something which is contrary to law.

23. Admittedly, the birth of the petitioner is not registered with the 1<sup>st</sup> respondent Registrar of Births and Deaths, under sub-section (1) of Section 8 of the Registration of Births and Deaths Act. In view of the provisions under sub-section (3) of Section 13 of the said Act, the birth of the petitioner, which has not been registered within one year of its occurrence, can be registered only on an order made by the Executive Magistrate (Revenue Divisional Officer). In the absence of any such order, the petitioner cannot seek a writ of mandamus commanding the 1<sup>st</sup> respondent Registrar of Births and Deaths to issue certificate of birth in consonance with

Ext.P3 Secondary School Leaving Certificate. In order to obtain non-availability certificate, the petitioner has to submit a request before the 1<sup>st</sup> respondent Registrar of Births and Deaths, invoking the provisions under sub-section (1) of Section 17 of the Registration of Births and Deaths Act, read with sub-rule 3 of Rule 13 of the Kerala Registration of Births and Deaths Rules, after remitting the fee payable under clause (d) of sub-rule (1) of Rule 13. Therefore, no mandamus can be issued commanding the 3<sup>rd</sup> respondent Revenue Divisional Officer to consider the request made in Ext.P8 representation dated 02.09.2019 to issue non-availability certificate.

24. The petitioner has not chosen to produce before this Court a copy of the application made before the 3<sup>rd</sup> respondent Executive Magistrate (Revenue Divisional Officer) for registration of birth, invoking the provisions under sub-section (3) of Section 13 of the Registration of Births and Deaths Act, read with sub-rule (3) of Rule 9 of the Kerala Registration of Births and Deaths Rules. As discernible from Ext.P11 communication dated 11.11.2019 and also the



statement filed on behalf of the 3<sup>rd</sup> respondent, an application made by the petitioner for registration of birth is pending consideration of the said respondent. As per the mandate of sub-section (3) of Section 13, the 3<sup>rd</sup> respondent has to pass orders on that application after verifying the correctness of the birth and on payment of the prescribed fee. Before the 3<sup>rd</sup> respondent, the petitioner has to produce the non-availability certificate in Form No.10, school certificates of her siblings, etc., so as to enable the 3<sup>rd</sup> respondent to conduct a proper enquiry. In case the petitioner is yet to obtain non-availability certificate in Form No.10, she has to approach the 1<sup>st</sup> respondent Registrar of Births and Deaths, with a proper application, after remitting the fee payable under clause (d) of sub-rule (1) of Rule 13 of the Kerala Registration of Births and Deaths Rules.

25. Considering the fact that an application made by the petitioner for registration of birth is pending consideration of the 3<sup>rd</sup> respondent Executive Magistrate (Revenue Divisional Officer), as discernible from Ext.P11 communication dated

11.11.2019 and also the statement filed on behalf of the said respondent, this writ petition is disposed of by directing the 3<sup>rd</sup> respondent to consider and pass appropriate orders on that application, strictly in accordance with law, after verifying the correctness of the birth of the petitioner, with notice to the petitioner/her authorised representative and also an authorised representative of the 1<sup>st</sup> respondent Registrar of Births and Deaths, as expeditiously as possible, at any rate, within a period two months from the date of receipt of a certified copy of this judgment.

26. In case the application made by the petitioner for registration of birth is not in order or the same is not supported by the required documents, the 3<sup>rd</sup> respondent shall require the petitioner, within two weeks from the date of receipt of a certified copy of this judgment, to cure the defects and/or to produce the required documents.

No order as to costs.

Sd/-  
**ANIL K. NARENDRA**  
**JUDGE**

das

## **APPENDIX**

### **PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY OF THE POWER OF ATTORNEY DATED 14.11.2019.
EXHIBIT P2	TRUE COPY OF THE PASSPORT OF THE PETITIONER ISSUED FROM THE PASSPORT AUTHORITY.
EXHIBIT P3	TRUE COPY OF THE CERTIFICATE ISSUED BY THE BOARD OF PUBLIC EXAMINATIONS.
EXHIBIT P4	TRUE COPY OF THE DRIVING LICENSE OF THE PETITIONER.
EXHIBIT P5	TRUE COPY OF THE PAN CARD OF THE PETITIONER.
EXHIBIT P6	TRUE COPY OF THE CERTIFICATE OF BAPTISM OF THE PETITIONER.
EXHIBIT P7	TRUE COPY OF THE REPLY DATED 14.03.2019.
EXHIBIT P8	TRUE COPY OF LETTER DATED 02.09.2019 MADE BY THE MOTHER OF THE PETITIONER.
EXHIBIT P9	TRUE COPY OF NOTARIZED AFFIDAVIT OF THE MOTHER OF THE PETITIONER DATED 20.06.2019.
EXHIBIT P10	TRUE COPY OF THE LETTER DATED 07.09.2019 FORWARDED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.
EXHIBIT P11	TRUE COPY OF THE LETTER DATED 11.11.2019 FORWARDED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.