

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3807/2020**

JAGBIR TANWAR

.....Petitioner

Through: Mr Shashank Khurana and Mr
Subhoday Banerjee, Advocates.

versus

**REGISTRAR, BIRTHS AND DEATH REGISTRATION,
WEST ZONE DELHI & ORS.**

..... Respondents

Through: Mr. Shadan Farasat, ASC for
GNCTD/R-2 with Mr Bharat Gupta,
Advocates.
Mr Dhanesh Relan, Advocate for
SDMC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

30.06.2020

1. The hearing was conducted through video conferencing.

CM APPLN. 13644-13645/2020 (Exemption)

2. Allowed, subject to all just exceptions. The applications stand disposed of.

W.P.(C) 3807/2020

3. Issue notice.
4. The learned counsel for the parties as mentioned above accept notice.
5. At joint request the petition is taken up for disposal.
6. By the order dated 05.12.2019 in W.P.(C) No.3621/2018, this Court had directed R-1 as under:

“13. Learned Registrar, Birth & Death, West Zone will pass a reasoned order uninfluenced by any of the observations made by this court or order dated

27.07.2013 passed by the SDM, Rajouri Garden. ”

7. Though an order has been passed by the said respondent but it is not in terms of the aforesaid directions. Instead, respondent no. 1 has taken a view that since the registration was on the basis of an order issued by the Executive Magistrate, therefore the registration could be cancelled only after the Executive Magistrate has taken a view in the matter. The earlier direction of this Court subsists. Therefore, it would have to be followed in letter and spirit. It is always open to any aggrieved party to seek remedies as may be available in law.
8. In the circumstances, the case is remanded to the SDMC to comply with this Court's earlier directions contained in the order dated 05.12.2019. This petition shall be treated as the petitioner's representation by respondent no.1. A decision in the matter should be taken by the respondent no. 1/Corporation, within ten weeks from today.
9. The petition stands disposed off accordingly.
10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 30, 2020/*rd*