

GAHC010251082025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6610/2025

NABIN CHANDRA INGTY
SON OF LATE PARASHU RAM INGTY, RESIDENT OF HOUSE NO. 4,
NARAKASUR, P.O.- KAHILIPARA, P.S. DISPUR, GUWAHATI, DISTRICT-
KAMRUP METRO, ASSAM, PIN- 781019.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF HEALTH SERVICES (FW)
HENGRABARI
GUWAHATI-781038.

3:THE REGISTRAR OF BIRTHS AND DEATHS
OFFICE OF THE CHIEF REGISTRAR OF BIRTHS AND DEATHS
HENGRABARI
GUWAHATI-781038.

4:THE DISTRICT COMMISSIONER
KAMRUP METRO
HENGRABARI
GUWAHATI-781038.

5:THE CO-DISTRICT COMMISSIONER
DISPUR CO-DISTRICT
BASISTHA CHARIALI
GUWAHATI-781028.

6:THE ASSISTANT COMMISSIONER
DISPUR CO-DISTRICT

BASISTHA CHARIALI
GUWAHATI-781028

Advocate for the petitioner(s): Mr. N Sarma

Advocate for the respondent(s): Mr. SR Baruah, Govt. Advocate, Assam
Mrs. D Borah, Standing Counsel
Health and Family Welfare Department

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

24.04.2026

Heard Mr. N Sarma, the learned counsel appearing on behalf of the petitioner. Also heard Mrs. D Borah, the learned Standing Counsel, Health and Family Welfare Department, who appears on behalf of respondent Nos.1, 2 and 3 and Mr. SR Baruah, the learned Govt. Advocate, Assam for the respondent Nos.4 and 5.

2. The issue involved in the instant proceedings pertains to issuance of a certificate by the District Magistrate or the Sub-Divisional Magistrate or the Executive Magistrate in terms with Section 13(3) of the *Registration of Births and Deaths Act, 1969* (for short, '*the Act of 1969*').

3. The learned counsel appearing on behalf of the District Administration submits that they have sought for certain inputs from the Health and Family Welfare Department.

4. This Court has perused Section 13(3) of the Act of 1969 and a perusal thereto would show that it is the District Magistrate/Sub-Divisional Magistrate/Executive Magistrate having jurisdiction over the area, where the birth or death has taken place to verify the correctness of the birth or death and thereupon issue the order.
5. Under such circumstances, this Court directs the respondent Nos.4, 5 and 6 to take effective steps for carrying out the necessary verifications in terms with Section 13(3) of the Act of 1969 within a period of 2(two) months from today.
6. List this matter again on 14.09.2026 for an update.
7. Pendency of the instant writ petition shall not be a bar to pass the order as conceptualized under Section 13(3) of the Act of 1969 and thereupon the Health and Family Welfare Department shall issue the certificate upon being duly satisfied.

JUDGE

Comparing Assistant