

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16413 of 2025****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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Approved for Reporting	Yes	No
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RENUKABEN INDRAVADAN GANDHI

Versus

THE STATE OF GUJARAT & ANR.

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Appearance:

JAYDEEP H SINDHI(9585) for the Petitioner(s) No. 1

MR NIKUNJ KANARA AGP for the Respondent(s) No. 1

MR DEEPAK P SANCHELA(2696) for the Respondent(s) No. 2

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK****Date : 12/03/2026****JUDGMENT**

1. RULE returnable forthwith. Mr. Nikunj Kanara, learned AGP waives service of notice of rule on behalf of the respondent no.1 and Mr. Deepak Sanchela, learned counsel waives service of notice of rule on behalf of the respondent no.2. With the consent of the learned counsel for the respective parties, the present petition is taken up for final hearing today.

2. Present petition is filed by the petitioner under Articles 14 and 226 of the Constitution of India read with the provisions of the Gujarat Registration of Birth and Death Rules, 2004 seeking following reliefs:

"[A] YOUR LORDSHIPS may be pleased to admit and allow this petition;

[B] YOUR LORDSHIPS may please to issue appropriate writ or order quashing and setting aside impugned order dated 06/10/2025 passed by Respondent No. 2 and further be pleased to direct Respondent No. 2 to correct its Birth Register

[C] by showing the petitioner's correct birth date "06/03/1961" and thereby further be pleased to direct the respondent no. 2 to issue the fresh Birth Certificate;

[D] Pending admission, hearing and till final disposal of this petition, YOUR LORDSHIPS may be pleased to grant ad interim relief by directing the respondent to correct its Birth Register by showing the petitioner's correct birth date and other required correct missing details and further be pleased to direct the respondent no. 2 to issue the fresh Birth Certificate;

[E] YOUR LORDSHIPS may be pleased to pass ex-parte ad interim relief in terms of Para (C);

[F] Such other and further relief as may be deemed just and necessary in the facts and circumstances of the present case may kindly be granted."

3. Brief facts giving rise to the present petition are that, the this petition is filed by the petitioner for correction of her birth date mentioned in the Extract of the Birth Register. That, the respondent no. 2 is denying the correction in the birth register maintained by respondent no. 2 under the Gujarat Registration of Birth and Death Act along with the Rules framed thereunder. That, the petitioner had made representation to respondent no. 2 that she was born in early morning hours of 06.03.1961, shortly after midnight but unfortunately, the entry in the Extract of the Birth Register incorrectly reflects the date as 05.03.1961. That, in other documents including School Leaving Certificate, Aadhar

Card and the Passport, etc the birth date of the petitioner was recorded as 06.03.1961. That, the petitioner had filed an application dated 17.09.2025 before respondent no.2, under section 15 of Registration of Birth and Death Act whereby the application was rejected by the authority vide communication/order dated 06.10.2025 and refused to carry out correction as mentioned above in the Register because of want of jurisdiction.

4. Being aggrieved and dissatisfied with the impugned communication/order dated 06.10.2025 passed by Sub Registrar, Navsari Mahanagarपालिका, the petitioner has preferred the present petition.

5. Heard the learned counsel for the respective parties. Perused the materials available on record.

6. Learned counsel Mr. Sindhi has submitted that the impugned communication/order passed by the Mahanagarपालिका is illegal, unjust, arbitrary, erroneous and contrary to the facts and material on record and the provisions of the Act and therefore, is required to be quashed and set aside. He has submitted that the authority has erred in holding that it has no jurisdiction and that, in view of section 15 read with Rule 11, the respondent has not considered the ratio laid down by this Court in Nitaben N Patel reported in 2008(1) GLH 556 wherein this Court has held that the authority is empowered to correct the Birth Certificate by exercising powers envisaged under section 15 read with Rule 11. Over and above the grounds agitated in the memo of petition, learned counsel Mr. Sindhi has urged that

the impugned communication/order passed by the authority is required to be quashed and set aside and the present petition is required to be allowed.

7. As against that, learned counsel Mr. Sanchela, appearing for the respondent no.2, has opposed the present petition and submitted that there is no any infirmity or any illegality in the impugned communication/order passed by the authority and therefore, no interference is required to be called for in the present petition. He has submitted that the impugned communication/order passed by the authority is in consonance with the settled principles of law and is passed after following due procedure and therefore, the same is required to be confirmed and the present petition is required to be dismissed and no interference is required to be called for while exercising jurisdiction under Article 227 of the Constitution of India.

8. I have heard the learned counsel appearing for the respective parties and perused the material placed on record. I have also considered the impugned order passed by the authority. It appears from the record that the entry made in the register is prima facie found to be erroneous. In view of the decision of this Court in the case of **Nitaben Nareshbhai Patel Vs. State of Gujarat** reported in **2008 (1) GLR 884**, more particularly paragraphs no. 9, 26 and 27 and the Court has further reiterated in the case of **Krupaben Rashikbhai Patel Vs. State of Gujarat & 1** reported in **2015 LawSuit(Guj) 5** where this Court had an occasion to decide the issue in relation to the powers and scope under section 15 of the Registration of

Births and Deaths Act, 1969 that the correction can be made only if entry is erroneous in form or substance or if fraudulently or improperly made and after considering the rules and provisions of Act, this Court had allowed the petition.

9. In the case of Nitaben Nareshbhai Patel (supra), this Court has held and observed in paragraphs no. 9, 26 and 27 as under:

9. Therefore, Sec. 15 of the Act of 1969 read with Rule 11 of Guj. Registration of Births and Deaths Rules, 2004 (for short Rules of 2004) which has come into force w.e.f. 22.1.2004 based on the model rules published in the Handbook of Civil Registration by the Registrar General of India the Ministry of Home Affairs and guidelines contained in the booklet published by the Chief Registrar, Births and Deaths, State of Gujarat, Gandhinagar in September, 2005 govern the field.

9.1. So far as statutory provisions and rules are concerned Sec. 15 of the Rules reads as under:

“15. Correction or cancellation of entry in the registrar of births and deaths If it is proved to the satisfaction of the registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”

Rule 11 of the Guj. Registration of Births and Deaths Rules, 2004 reads as under:

“11. Correction or cancellation of entry in the register of births and deaths:

[(1) If it is reported to the Registrar that a clerical or formal, error has been made in the register, or if such error is

otherwise noticed by him and if the Register is in his possession, the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or cancelling the entry) as provided in Sec. 15 of the Act and shall send an extract of the entry showing the error and how it has been corrected to the District Registrar of Births and Deaths.)

[(2) In the case referred to in sub-rule (1) if the register is not in the possession, the Registrar, he/she shall make a report to the District Registrar of Births and Deaths and call for the relevant register and after inquiring into the matter, if he is satisfied that any such error has been made, make the necessary correction.]

[(3) Any such correction as mentioned in sub-rule (2) shall be countersigned by the District Registrar of Births and Deaths when the register is received from the Registrar.]

[(4) If any person asserts that any entry in the register of births and deaths is erroneous in Substance, the Registrar may correct the entry in the manner prescribed under Sec. 15 of the Act upon production by that person a declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.]

[(5) Notwithstanding anything contained in sub-rule (1) and sub-rule (4), the Registrar shall make report of any correction of the kind referred to therein giving necessary details to the District Registrar of Births and Deaths.]

[(6) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly, he shall make a report giving necessary details to the officer authorized by the Chief Registrar by general or special order in this behalf under Sec. 25 of the Act and on hearing from him take necessary action in the matter.)

[(7) In every case in which an entry is corrected or cancelled under this rule, intimation thereof should be sent to the permanent address of the person who has given information under Sec. 8 or Sec. 9 of the Act.”

26. Thus in the nutshell, what emerges from the factual and legal submissions made and conclusions arrived in earlier paragraph is as

under:

[(A) In view of the provisions of Sec. 28 of the Repealed Act of 1886 and provisions contained in Secs. 29 and 31 of the Act of 1969, by which erstwhile provision of correction/cancellation of entries in the register of birth and death, which is not in derogation, remained alive in Sec. 15 of the new Act and, therefore, the authority is empowered to correct erroneous entries in the register of birth and death, even in a case where registration was made prior to 1.4.1970 ie the date on which new Act of 1969 came into force and correction of error is sought for later on.]

[(B) Sec. 15 of the Act of 1969 read with Rule 11 of the State Rules, 2004 along with Chapter 9, Clause 9.6 and 9.7 of the Handbook of Registrar General, Ministry of Home Affairs, Govt. of India and Clause 5.8 of Chapter 5 of guidelines contained in vernacular Gujarati adequately conferred power upon the authority to correct/cancel erroneous entries and provide for complete mechanism for types of errors to be corrected.]

[(C) Sec. 15 of the Act of 1969 empowers Registrar of Birth and Death to correct any erroneous entry in form or substance or any entry which has been fraudulently or improperly made. Rule 11 of Rules, 2004 and particularly Sub-Rule 1 provide for any entry, any error which may be clerical or formal and Sub-Rule 4 of the above Rule 11 mention about any entry which may be erroneous in substance and Sub-Rule 6 of Rule 11 refer to any entry which is fraudulently or improper is to be corrected by the Registrar and an elaborate procedure is provided which prescribe method and manner in which such entry to be corrected or cancelled and report to be made to the higher authority, which may rule out in misuse of power by registering authorities.]

Thus, clause 9.6 and 9.7 of Chapter 9 of the Handbook of Registrar General, Ministry of Home Affairs, Govt. of India provide for corrections and cancellations of entries and contain clerical or formal error, error in substance or fraudulent or improper entry and once any error in substance is to be corrected, it covers error of such nature which is an error of substance or form. That similar types of errors are mentioned in Clause 5.8 of Chapter 5 of vernacular guidelines published by the State Authorities under the Act.]

[(D) The above proposition of law stand fortified by the decisions of this Court in two Letters Patent Appeal Nos. 195/1999 and 231/2001 in the case of Mulla Faizal & Faxilabanu Suleman Ibrahim and Registrar, Birth and Death Rajkot Municipal Corporation (supra), there is no doubt that the expression "erroneous in form or

substance" in Sec. 15 of Act of 1969 is an expression of vide amplitude and does not confine to simple typing errors or clerical mistakes and no guidelines or circulars can take away powers of the Register of making correction in entries which are erroneous in form or substance in register as envisaged under Sec. 15 of Act of 1969 and Rule 11 (1) to (7) of the State Rules, 2004.]

[(E) When the authority empowered to exercise power under Sec. 15 of the Act and Rule 11 of the State Rules, 2004, refuse to do so, writ petition is maintainable under Art. 226 of the Constitution of India for issuing appropriate directions to the authority]

[(F) The kind and types of directions to be issued to the authority depend on facts and circumstances of the each case and nature of denial of legal right to the aggrieved persons by the authority.]

[(G) That even Sec. 27 of the Act of 1969 is pertaining to delegation of powers and Sec. 32 empowers to concerned Government to remove the difficulties and, therefore, the appropriate Government or any authority upon whom the powers are delegated can act in accordance with scheme of the Act and appropriate directions can be given accordingly.]

[(H) So far as matters arising out of the Regulation 12(A) of the Guj, Secondary Education Regulation, 1974 is concerned, law as on date is governed as in the case of Soorat Jessomal Khanchandani (supra) and Thakore Nilesh Shishirbhai (supra).]

[(I) So far as the matters arising out of the Passport Act, 1967 and Rules, 2000, is concerned, law as on date is governed as in the case of REGIONAL PASSPORT OFFICER (supra) in view of admission of LPA No.1673/2006 by an order dated 30.7.2007 by which the judgment of the learned Single Judge in Special Civil Application No.2716/2006 is stayed.

27. In view of the above and also considering the prayers made in each of the Special Civil Applications following is the order and direction issued to the authority concerned.

[(i) In Special Civil Application No.23471/2007 the petitioner has prayed to correct the name entered into the Birth and Death Register, which the Chief Officer, Municipality of Bardoli has refused to correct the name entered into the birth and death register on the ground that clause 7-1 of the guideline of Birth and Death Registration Act, 1969 does not empower the authority, the order impugned deserves to be quashed and set aside and order accordingly.]

[(ii) In Special Civil Application Nos 23616/2007 and 21788/2007, the petitioners have prayed to correct the date of birth of the petitioners and to issue the fresh birth certificate to the petitioners;

[(iii) In Special Civil Application No.29164 the petitioner has prayed to correct the name and date of birth of the son of the petitioner in the birth record;

[(iv) In Special Civil Application No. 19896/200/ the petitioner has prayed to correct the name of the petitioner's son;

[(v) In Special Civil Application No.6352/2007 the prayer is with regard to correcting date of birth of the petitioner and also name of the father of the petitioner and;

[(vi) In Special Civil Application No. 28336/2007, the prayer of the petitioner is with regard to quash and set aside the order dated 16.4.2007 passed by respondent No. 1 on application dated 12.4.2007 and direct the respondents to effect the correction as sought in the application;

[(vii) That so far as Special Civil Application No.28336/2007 is concerned, the deponent of affidavit-in-reply has relied on Clause 7.1 and Clause 7.4 of the guidelines issued by the Commissioner of Health, Medical Services and Medical Education, Govt of Gul and has opposed grant of any relief. The above reliance on the guidelines is misplaced, inasmuch as, Sec. 15 of the Act of 1969, Rule 11 of Rules, 2004 and even the above clause 5.8 clearly empower the authority to correct/cancel any erroneous entry in the form and substance. As laid down in the LPA No. 231/2001 in the case Registrar, Birth and Death Rajkot Municipal Corporation (supra) no guidelines dehors the statutory scheme can be framed by the authority divesting or depriving such authority of the statutory duties prescribed under the Act. Thus, a case is made out by the petitioner to quash and set aside the impugned order and issuance of further direction for correction as sought for in the application submitted by the petitioner.]

27.1. In view of what is discussed and held in paragraphs 14 to 18 and particularly in paragraph 26, the impugned order in Special Civil Applications where prayer is made to quash and set aside is hereby quashed and set aside in each of the petitions and respondents are directed to exercise power vested with them.

27.2. In light of the discussions and observations made in the judgment, respondents are directed to exercise power vested into

under Sec. 15 of the Act of 1969 and Rule 11 of 2004 pursuant to the application preferred by the petitioners for correction as prayed for by each of the applicant and as per application submitted before the concerned authority preferably within six weeks from the date of receipt of the order.

10. The principles of law enunciated in the above quoted judgment would squarely apply in the present case. It is disheartening to note that even though this Court has, on various occasions, rendered a plethora of judgments setting aside the orders whereby the Competent Authority has refused to exercise the jurisdiction vested in him by the statute, the same kind of stereotyped orders are being passed time and again, refusing to exercise the power vested by law. It would, therefore, be appropriate to direct the State Government to take appropriate steps, so that the judgments rendered by this Court in this regard are brought to the notice of the competent authorities under the Act so as to put an end to continuous multifarious litigation on an issue that has already been decided. Respondent No.1 is, therefore, directed accordingly.

11. Insofar as the impugned communication/order in the present petition is concerned, it is clear from a perusal thereof that respondent No.2 has simply refused to exercise the jurisdiction vested in him by the statute, by conveniently putting the onus on the Court. When the statute has conferred power upon the said respondent, it is incumbent upon him to exercise it judiciously and in accordance with law. There is no justifiable reason why respondent No.2 has refused to act in accordance

with law and decide the application of the petitioner. Hence, the impugned communication/order deserves to be quashed and set aside.

12. In view of the aforesaid facts and in view of the aforesaid decisions of this Court, the petition is allowed. The impugned communication/order dated 06.10.2025 passed by respondent - Sub Registrar, Navsari Mahanagarपालिका is hereby quashed and set aside. The respondent- Navsari Mahanagarपालिका is directed to make necessary change/correction in the birth date of the petitioner in the record and issue a fresh birth certificate to the petitioner after correction in the birth date within 4 weeks from the date of receipt of writ of this order. Rule is made absolute.

(HEMANT M. PRACHCHHAK,J)

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