



W.P.No.15868 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15868 of 2024
and W.M.P.Nos.17302 & 17303 of 2024

Sana Fathima

... Petitioner

Vs

1.The District Collector,
Chennai.

2.The Tahsildar,
Mylapore Taluk,
No.28, Pasumpon Muthuramalingam Salai,
Raja Annamalaipuram, Chennai-600 028.

3.Zonal Deputy Tahsildar,
Mylapore Taluk
No.28, Pasumpon Muthuramalingam Salai,
Raja Annamalaipuram, Chennai-600 028.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the order of the 3rd Respondent dated 26.02.2024 in the Petitioner's Application No.TN-3202402152310, quash the same and consequently direct the 3rd Respondent to issue nativity certificate to the Petitioner expeditiously.



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For Petitioner : Mr.P.Prashanth Nataraj

For Respondents : Mrs.S.Anitha,
Special Government Pleader

ORDER

Aggrieved by the order of rejection passed by the 3rd respondent thereby rejecting the application of the petitioner seeking issuance of nativity certificate, the petitioner has filed the present Writ Petition.

2. The petitioner is an Indian citizen, born in Kuwait to parents who are also Indian Citizens. The petitioner was temporarily residing in Kuwait due to his father's employment from the year 2000. The petitioner's birth was duly registered with the Indian Embassy in Kuwait. After completing his School Education in Kuwait, the petitioner returned to India. In order to pursue higher studies in Medical Education, the petitioner applied for issuance of Nativity Certificate before the 2nd respondent on 15.12.2024 however, the said application was rejected on the basis of a report submitted by the Revenue Inspector, stating that the petitioner had pursued his Education Abroad and therefore, was not eligible for issuance of Nativity Certificate. Aggrieved by which, the petitioner has come up with the Present Writ Petition.



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3. Learned counsel appearing for the petitioner submitted that though the petitioner was born in Kuwait, he is a permanent resident of Chennai. He further submitted that the petitioner's parents were residing in Kuwait only on account of employment of her father. Despite the petitioner possessing all the relevant documents in support of her claim, her application for issuance of nativity certificate has been rejected solely on the ground that she pursued her studies Abroad which is not sustainable. He further submitted that, as per G.O.Ms.No.2388 dated 27.11.1990, the petitioner is entitled to the issuance of nativity certificate and therefore, he prayed that this Court may issue a direction to the respondents to consider the petitioner's application in the light of the aforesaid G.O.

4. Learned Special Government Pleader appearing for the respondents reiterating the averments made in the counter affidavit and submitted that, for the purpose of obtaining nativity certificate from Tamil Nadu, the petitioner has to satisfy two conditions i) the applicant must have born in Tamil Nadu and ii) the applicant must have resided in State of Tamil Nadu for more than a period of five continuous years. However, except ration card, the petitioner do not possess any other proof so to satisfy the aforesaid conditions. Even as per G.O.Ms.No.2388 dated 25.11.1990, the applicant must have been a resident of Tamil Nadu for a



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continuous period of five years however, the petitioner may file a fresh application before the 2nd respondent, the same will be considered if the petitioner satisfies the aforesaid conditions.

5. In view of the submission made by the learned Additional Government Pleader, the petitioner is directed to file a fresh application before the 2nd and 3rd respondent by establishing continuity of residence for a period of five years. Upon such satisfaction, the respondents 2 & 3 are directed to consider the claim of the petitioner for Nativity Certificate without being influenced by the present impugned order and to pass appropriate orders on the same on merits and in accordance with law in the light of the G.O.Ms.No.2388 dated 27.11.1990 issued by the Revenue Department within a period of four (4) weeks from the date of receipt of a copy of this order after affording an opportunity of personal hearing to the petitioner and aggrieved persons if any.

6. The Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

25.11.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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