

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-209-2020**

Mrs. Maria Peregrina Fernandes
50 Years of age, married,
Daughter of late Bernardo Fernandes,
Resident of House No.476,
Virlosa, Penha de Franca,
Britona, Bardez Goa. ... Petitioner

Versus

1. State of Goa,
Through Chief Secretary of
Government of Goa,
having his office at Secretariat,
Alto Porvorim Bardez Goa.
2. Chief Registrar of Birth and Deaths,
Government of Goa,
having their office at Pundalik Nagar,
At Pundalik Nagar,
Alto Porvorim,
Bardez Goa.
3. The Registrar of Births and Deaths,
Mapusa Municipal Council,
having their office at
Mapusa Municipal Council,
Mapusa, Bardez Goa. ... Respondents

Mr. C. Fonseca, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. P. Arolkar, Additional
Government Advocate for the Respondent Nos.1 and 2.

Mr. S. D. Padiyar and Mr. P. Shirodkar, Advocates for Respondent No.3-
Mapusa Municipal Council.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date:- 20th October, 2020

ORAL JUDGMENT (Per M. S. Sonak, J)

Heard Mr. C. Fonseca, learned counsel for the Petitioner, Mr. D. Pangam, learned Advocate General for Respondent Nos.1 and 2 and Mr. S. D. Padiyar, learned counsel for Respondent No.3- Mapusa Municipal Council.

2. We issue Rule. Rule is made returnable forthwith with the consent and at the request of the learned counsel for the parties.

3. The challenge in this petition is to the communication dated 20.08.2020 issued by the Chief Officer/Registrar, Mapusa Goa in effect rejecting the Petitioner's application dated 23.07.2020 for cancellation of earlier birth certificate dated 12.09.1974.

4. After the matter was heard for some time, the learned counsel for Respondent No.3 agrees that the impugned communication dated 20.08.2020 may be set aside. He however submits that the Petitioner, in this case, has not made application under Rule 11 of the Registration of Births and Deaths (Amendment) Rules, 2014. He submits that it is only after the Petitioner makes necessary application in terms of Rule 11 of such Rules then the Chief Officer/Registrar will be

in a position to consider and decide such application.

5. Mr. C. Fonseca, learned counsel for the Petitioner states that such application will be filed within a maximum period of 10 days from today. He requests that the directions may be issued to Respondent No.3 for expeditious disposal of such application in accordance with law.

6. In any case, we set aside the impugned communication dated 20.08.2020 and further, grant the Petitioner liberty to file necessary application in terms of Rules. After such application is indeed filed, then, we direct the Respondent No.3 to consider and dispose of such application in accordance with law and on its own merits and in any case within a period of four weeks from the date of its receipt. The decision should be communicated to the Petitioner within four weeks. We ensure that the Respondent No.3 will deal with this application in reasonable manner and in accordance with law and on its own merits.

7. Rule in this petition is made absolute. There shall be no order as to costs.

8. All concerned to act on the basis of the authenticated copy of this order.

SMT. M. S. JAWALKAR, J.
at*

M. S. SONAK, J.