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WP-18924-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

WRIT PETITION No. 18924 of 2026

CNR No.: MPHC020202112026

*'M' AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:
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*Shri Vivek Krishna Tankha -Senior Advocate appeared through
V.C. with Shri Jerry Lopez- Advocate for the petitioner.*

*Shri Rajesh Mahajan - Senior Advocate appeared through V.C. with
Shri Kamlesh Manwani- Advocate for the respondent no.3.*

Shri Kamlesh Mandloi- Advocate for the respondent.

*Shri S. V. Raju -Senior Advocate - Additional Solicitor General
appeared through V.C. with Shri Sonal Gupta- A.A.G. and Shri Shrey Raj
Saxena (Dy. A.G.) and Shri Aditya Garg- GA for respondent/State.*
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Heard On:28.09.2026

Delivered On:30.09.2026

ORDER

This writ petition under Article 226 of the Constitution of India is preferred on behalf of the petitioners.

2. Succinctly narrated initial facts leading to the present petition are that Mahakumbh 2025 commenced on 13.01.2025 with unparalleled



grandeur, marking the beginning of a 45-days long spiritual and cultural celebration at Prayagraj, Uttar Pradesh. It witnessed an overwhelming display of faith, devotion and spiritual unity, creating an extraordinary spectacle of spiritual grandeur, an event of such magnitude being witnessed only once in 144 years. Approximately 450 million devotees from across the globe are stated to have converged at the Sangam in Prayagraj.

3. Petitioner No.1, a girl from Madhya Pradesh, along with her family, also travelled to Prayagraj with the intention of earning a livelihood during the Prayagraj Mela. However, her presence at the Mela completely transformed her life overnight and she transitioned from a street vendor into a national celebrity and an aspiring bollywood actress. Thereafter, the parents of Petitioner No.1 applied for issuance of her birth certificate before the competent authority, i.e. the Registrar, Births and Deaths, Municipal Council, Maheshwar, stating her date of birth as 01.01.2008 and asserting that she was born at home. The application was supported by an affidavit sworn by her mother dated 30.05.2025. After completion of the requisite formalities, the competent authority, by order dated 05.06.2025, directed that the date of birth of Petitioner No.1 be recorded as 01.01.2008, and accordingly, a birth certificate was issued certifying her date of birth as 01.01.2008. On the basis of the date of birth so recorded and certified, Petitioner No.1 attained the age of majority on 01.01.2026. Thereafter, exercising her right of personal choice, particularly with regard to her choice of partner, Petitioner No.1 solemnized marriage with Petitioner No.2 on 11.03.2026. Thereafter, Respondent No.3, the father of Petitioner No.1,



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approached the Block Medical Officer, Community Health Centre, Maheshwar, seeking cancellation cum correction of birth certificate in respect of the girl child. In his application, he stated that, upon making inquiries from his elderly relatives, he came to learn that Petitioner No.1 was born at the Government Hospital, Community Health Centre, Maheshwar. The birth was duly recorded in the relevant register at Serial No.953, recording the birth of a female child to the wife of Respondent No.3 and Respondent No.3 at about 5:50 p.m. A certificate in this regard was issued on 19.03.2026 and forwarded to the competent authority i.e. to the Chief Principal Officer/Registrar, Births and Deaths, for correction in the registration record. Thereafter, the correction was carried out by cancelling the earlier entry relating to the date of birth of Petitioner No.1, purportedly in exercise of the powers under Rule 15 of the Registration of Births and Deaths Rules, 1969, read with Rule 11 of the Madhya Pradesh Registration of Births and Deaths Rules, 2024. Thereafter, an offence came to be registered against Petitioner No.2 on 25.03.2026 at Police Station Maheshwar, District Khargone, vide Crime No.112/2026, on the basis of the complaint submitted by Respondent No.3 on 24.03.2026, initially for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023 and subsequently, Sections 81, 83 and 87 of the BNS, 2023, Section 9 of the Prohibition of Child Marriage Act, 2006, and Sections 3(2)(v) and 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, were added.

4. In the aforesaid backdrop, the petitioners have approached this



Court seeking, inter alia, the following reliefs:

"(a) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the appropriate authority to restore the Birth Certificate of Petitioner No.1 (Registration No. B202523902030000071, dated 05-06-2025) on the government portal, which was maliciously and illegally cancelled subsequent to the registration of the marriage;

(b) Issue a Writ of Mandamus directing a Fair and Independent investigation into the criminal conspiracy, forgery of government records, submission of forged documents before the court and authorities, and communal incitement; and

(c) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the concerned authorities to produce before this Hon'ble Court the original identification and age-related documents pertaining to Petitioner No.1, including all records relied upon by the Respondents.

(d) Pass such other and further Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice."

5. The petitioners have approached before this Court by way of filing the present petition and learned Senior counsel for the petitioners has drawn attention of this courts towards the following submissions.

5.1 That the date of birth of petitioner no.1 is 01.01.2008. The Birth Certificate was issued by Nagar Panchayat, Maheshwar, District Khargone



(M.P.) after registration of her birth at Registration No.02523902030000071 by the competent authority under the Registration of Birth and Death Act, 1969 on 05.06.2025. Prior to the birth certificate, Unique Identification Authority of India issued an Adhar Card in the year 2015 and updated in 2026 recording date of Birth of petitioner no.1 as 01.01.2008. Income Tax Department of India issued a PAN Card in 2026 recording her date of birth as 01.01.2008, Election Commission of India has issued a Voter ID Card to her after attaining the age of 18 years and Police Station Thampanoor, Kerala conducted an enquiry and genuineness of these documents was verified on 11.03.2026. The Petitioner No.1 had an extremely difficult upbringing. The parents of Petitioner No.1 including the father, Respondent No.3 herein, deserted her and her siblings during her childhood, and Petitioner No.1 was constrained to independently support herself and her younger siblings by undertaking various forms of work. During Kumbh Mela, in the year 2025 at Prayagraj, she got public recognition and was offered opportunities in the Film Industry. When Petitioner No.1 attained public visibility and professional success that Respondent No.3 resumed contact with her and thereafter began accompanying her in connection with her film shooting. In connection with the shooting of the Malayalam film, Petitioner No.1 arrived in Kerala on 25.08.2025 along with her father (Respondent No. 3), her sister her manager. During the course of the film's production, Petitioner No. 1 developed a romantic relationship with Petitioner No. 2, who was also acting in the same film as co-star. Petitioner No. 1 subsequently returned home to Madhya Pradesh after the shoot. On 02.03.2026, Petitioner No. 1 returned to



Kerala with Respondent No.3. Petitioner No.2 also accompanied the group during their travels across Kerala, including Thiruvananthapuram. At all times, Respondent No. 3 was physically present with Petitioner No.2 and raised no objection to the association. On 10.03.2026, Respondent No.3 issued an ultimatum to Petitioner No.1 to accept an arranged marriage with her cousin and to accompany him to Madhya Pradesh. The same day, Petitioner No. 1's mother called her and informed her that if she return to Madhya Pradesh, her father would solemnize her marriage forcibly with her cousin. Petitioner No.1 was further told that if she intended to marry with Petitioner No.2, she should remain in Kerala and not return to Madhya Pradesh.

5.2. On 11.03.2026, Petitioner No. 1, accompanied by Petitioner No. 2, appeared before the Thampanoor Police Station, Thiruvananthapuram, where Respondent No. 3 was also present. The police authorities collected and verified the government-issued identity cards and other relevant documents produced by Petitioner No.1 as well as by Respondent No. 3 through the concerned government portals. Upon such verification, the statement of Petitioner No.1 was recorded, her age and majority were duly confirmed, and her complaint against Respondent No.3 alleging threats and coercion to compel her into marriage was registered as Complaint No.15291034-2026-5-00311. The police authorities further informed Petitioner No.1 that, being a major, she could not be compelled to marry any person against her free will and consent. It is submitted that Respondent No.3 did not raise any objection regarding the authenticity of the documents



produced before the police authorities and thereafter left the police station, but thereafter, on the same day i.e. on 11.03.2026, after her father left the police station, Petitioner No.1 and Petitioner No.2, proceeded to Poovar, Thiruvananthapuram and solemnized their marriage at Arumanoor Nainar Deva Temple, Poovar. The said marriage was duly and legally registered before the Poovar Grama Panchayat, under the Kerala Registration of Marriage (Common) Rules, 2008.

5.3. After the marriage, Respondent No. 3, entered into a criminal conspiracy with certain individuals, and in furtherance of the said criminal conspiracy, committed Forgery of birth records of Petitioner No.1. One of the conspirators, Mr Neyyattinkara P. Nagaraj wrongfully accessed the birth records of Petitioner No. 1's younger brother at the Community Health Centre, Maheshwar, and altered the same by substituting Petitioner No. 1's name and changing the date of birth to 01/01/2009, so as to falsely project Petitioner No.1 as a minor aged 17 years at the time of her marriage. Further, Petitioner No.1's genuine Birth Certificate was cancelled on the government portal, without any notice to Petitioner No.1, without any legal authority and with the manifest mala fide intent of destroying the authentic record and substituting the forged document in its place. This cancellation was done post-marriage and is itself a criminal act despite having full knowledge of the whereabouts, age and voluntary conduct of Petitioner No.1. Respondent No.3 subsequently caused registration of the FIR at Maheshwar Police Station, District Khargone, Madhya Pradesh. The Petitioners have not been served with a copy of the said FIR. In the said complaint, Respondent



No.3 falsely alleged that Petitioner No.1 had been missing since 27.02.2026. However, Respondent No.3 himself had travelled with Petitioner No.1 to Kerala on 02.03.2026 and had remained continuously in her company thereafter. The allegations contained in the FIR are therefore demonstrably false and contrary to the admitted contemporaneous conduct of Respondent No.3. The forged birth certificate subsequently relied upon by Respondent No.3 and his associates appears to have been created by altering the records pertaining to the younger brother of Petitioner No.1. Petitioner No.1 was born at her residence on 01.01.2008, whereas her younger brother was born in the Community Health Centre, Maheshwar, Madhya Pradesh, in the year 2009. The Petitioners have reason to believe that the hospital records relating to the younger brother were subsequently manipulated by substituting the name of Petitioner No.1 therein with the *mala fide* intention of falsely projecting her as a minor. Father of the Petitioner No.1 (Respondent No:3 herein), with his co-conspirators Pratham- Dubey and Sanoj Mishra submitted the forged birth certificate before the Madhya Pradesh Authorities. Neyyattinkara P. Nagaraj presented the said forged document before a court of law as a genuine document, with full knowledge that it was a forgery. Further, one of the co-conspirators Anil Vilayil took the forged documents to mainstream media channels and social media, and falsely branded Petitioner No.1 as a minor who had been lured into marriage, and called Petitioner No.2 a terrorist, and labelled the marriage as 'Love Jihad' deliberately with the intent to create communal violence. There exists a real, imminent, and credible threat to the life and personal security of the Petitioners.



Apprehending arrest pursuant to the F.I.R., the Petitioners approached the High Court of Kerala by filing an application seeking anticipatory bail. The High Court of Kerala, vide Order dated 23.03.2026, was pleased to grant interim protection to the Petitioners from arrest in connection with the offences.

5.4. Petitioner No.1, upon threat to her life and security, has filed a complaint before the Assistant Commissioner of Police, Ernakulam, Kerala, against Respondent No. 3 and his co- conspirators for the offences of forgery of public records, criminal conspiracy, communal incitement, and all other connected offences. The entire dispute concerning the age of Petitioner No.1 arose only after the solemnization of her marriage with Petitioner No.2. Prior thereto, none of the government records reflecting the date of birth of Petitioner No.1 as 01.01.2008 had ever been disputed by Respondent No.3 or by any authority. The Petitioner has no other alternative efficacious remedy except to file the present petition under Article 226 of the Constitution of India. Hence, the present petition.

6. They referred to **Lata Singh vs. State of U.P. And Others; (2006) 5 SCC 475**, **Shafin Jahan vs. Asokan K.M.; (2018) 16 SCC 368** and **K.S. Puttaswamy vs. Union of India; 2017 (10) SCC 1** and further referred to documents Annexure P/1 to P/18.

7. Learned Senior counsel appearing on behalf of State of M.P. and respondent no.3 have vehemently argued the matter and opposed the petition by drawing the attention of this court towards the following contention in support thereof mentioned in 4 sub-paragraphs as below.



7.1. Respondent no.3/father of petitioner no.1 has filed a detailed reply through Document No.13983/2026 and objected the petition on the ground that to obtain judicial legitimacy for the removal of minor daughter from the 'lawful keeping of her family; and second, to reverse the lawful cancellation of an erroneous entry in the birth register that was corrected in accordance with a contemporaneous institutional record of her birth this petition has been preferred. Claim of petitioner no.1 that she was a major on the date of her purported marriage is contrary to the contemporaneous record of her birth and to the findings of a Constitutional Authority, the National Commission for Scheduled Tribes. It is submitted that family of respondent no.3 and petitioner no.1 itself belongs to a Nomadic Scheduled Tribe and are originally residents of Maharashtra who migrated to Maheshwar in search of livelihood, working as itinerant sellers of rudraksha beads and pearls.

7.2. Learned Senior counsel for State raised 08 preliminary objections regarding the maintainability of the petition as follow;

(i) petitioner no.1 is a minor;

(ii) relief sought, requires adjudication of seriously disputed question of fact including forgery which cannot be undertaken in the summary of jurisdiction under Article 226 of the Constitution of India;

(iii) Certificate relied on by the Petitioners was issued only on the parents' own affidavit, and not on any birth record as the officials themselves have admitted;

(iv) The cancellation was a lawful Government act, done after notice not "forgery" or "malicious cancellation without notice;



(v) The Petitioners have suppressed material facts and have not come with clean hands;

(vi) An efficacious alternative remedy exists;

(vii) The documents relied upon by the Petitioners are not, in law, proof of date of birth; and

(viii) Petitioner no.1 has never kept present before any authority since after the alleged marriage and this petition is abuse of process of law.

Learned Additional Solicitor General placed reliance on **Birad Mal Singhvi vs. Anand Purohit; 1988(supp) SCC 604 and Saroj and Others vs. Iffco-Tokio General Insurance Co. and Others; 2024 SCC ONLine SC 3038.**

7.3. Describing the chain of events, they submits that account of a sudden, spontaneous marriage on 11.03.2026 is demonstrably false and is a fabrication. This account cannot be reconciled with the Petitioners' own materials and the findings of the National Commission for Scheduled Tribes. The marriage was planned well in advance; that the 10/03/2026 threat is a retrospective justification manufactured to clothe a pre-planned event with the appearance of spontaneity; and that the swift, coordinated and well-executed sequence of steps that followed temple certificate, panchayat registration, the verification at Thampanoor, the transit anticipatory bail, and successive protection representations. The birth of Petitioner No.1 had never been registered, as confirmed by the non-availability certificate dated 04.06.2025: issued under Section 17 of the Registration of Births and Deaths Act, 1969. Being illiterate and itinerant and possessing no contemporaneous documentation, the parents initially applied for a certificate on the footing of



an approximate, estimated date. Thus, on 30.05.2025, Mother of petitioner no.1 applied to the Chief Municipal Officer / Registrar of Births and Deaths, Nagar Parishad Maheshwar, affirming by thumb-impression an application and affidavit stating the date of birth as 01.01.2008, at home. As the birth was more than one year old, delayed registration was: governed by Section 13(3) of the 1969 Act read with the applicable Rules, which permit such registration only upon the order of a First Class / Executive Magistrate. Accordingly, the Tehsildar and Executive -Magistrate, Maheshwar, passed Office Order No. 2878 dated 05.06.2025 in Case "No. RS/440/2303/1 1926/2025, directing registration. On that basis alone, and on no independent documentary material, the Registrar registered the birth (Registration - No: D202523902030000071) and issued the certificate recording 01.01.2008. The Tehsildar and the Chief Municipal Officer have both confirmed to the NCST that this date rested only upon the parents statements and the Patwari's report, upon estimation, and upon no supporting document.

7.4. Respondent no.3 learnt that Petitioner No.1 had in fact been born at the Government Hospital (Community. Health Centre) Maheshwar. The deponent thereupon applied on 18.03.2026 to the Block Medical Officer, Community Health Centre, Maheshwar, for the certificate based upon the hospital record. On examination of its delivery/birth register for the year 2009, the Community Health Centre located the contemporaneous entry at Serial No. 959 dated 30.12.2009, recording the birth of a female infant to Smt. "L" (mother) and the deponent (father), at 5:50 PM. On that basis the Community Health Center issued the institutional birth certificate on



19.03.2026 and forwarded the certified records to the Chief Municipal Officer. Upon the reference of the National Commission for Scheduled Tribes dated 27.03.2026, and on the application of the deponent (Respondent No. 3), the Tehsildar and Executive Magistrate, Maheshwar, by dated 28.03.2026 (Reader/2026/1081), directed the Registrar / Chief Municipal Officer to correct the register. The correction and cancellation were effected under Section 15 of the Registration of Births and Deaths Act, 1969 read with Rule 11 of the Madhya Pradesh Registration of Births and Deaths Rules, 2024 whereunder, upon report that an entry is erroneous or improperly made, and upon the true facts being established, the erroneous entry may be corrected or cancelled. A show-cause notice dated 28.03.2026 was issued by the Nagar Parishad to both parents, to which the mother, Smt. Lata, filed a reply dated 30.03.2026 not disputing the correction and admitting the earlier mistake. By order/letter No. 469/NP/2026, the Chief Municipal Officer cancelled entry No. D202523902030000071 dated 05.06.2025 and the corrected record reflecting the true date of birth as 30.12.2009. The grounds raised by the petitioner to assail the correction are misconceived and the documentary record of the Community. Health Center is of higher evidentiary value than any estimate or affidavit of the parents. The Petitioners' "substituted brother's record" theory is false on the face of the record. The alleged marriage is not a valid marriage.

8. Respondent no.3 relied on **Vishnu v. State of Maharashtra, (2006) 1 SCC 283** and **Satpal Singh v. State of Haryana, (2010) 8 SCC 714** and have supported the reply by affidavit of respondent no.3 and documents Annexure



R/1 to Annexure R/20.

9. Respondent No.5 has also filed the reply through Document No.15305/2026 and also raised the preliminary objections on the line of reply of State of M.P. and respondent no.3 and submitted the documents Annexure R-5/1 to R-5/12 in support of reply.

Perused and analyzed the record.

10. The material placed before this Court discloses that, prior to issuance of the birth certificate dated 05.06.2025, an Aadhaar Card had already been issued to Petitioner No.1 on 28.05.2015, recording her date of birth as 01.01.2008. Thereafter, a Permanent Account Number (PAN) was allotted to Petitioner No.1 on 10.01.2026. It further appears from the material on record that the Election Commission of India had also issued an Elector Photo Identity Card (EPIC) to Petitioner No.1, thereby recognizing her eligibility to exercise the right of adult suffrage.

11. The subsequent correction of the date of birth of Petitioner No.1 from 01.01.2008 to 30.12.2009 has the effect of postponing the date on which she would attain majority by nearly two years. Such alteration has significant civil consequences, which may be enumerated as follows:

1. Petitioner No.1 would be deprived to exercise her right to adult suffrage guaranteed under Article 326 of the Constitution of India.

2. The PAN card issued by the Income Tax department will not bear her photograph or signature and the proof of address provided by the applicant will be that of legal guardians



3. Petitioner no.1 can open and operate bank accounts through the guardians and overdrafts are not allowed.

4. Capacity to enter into contracts will not be recognized.

5. Exercise of right to choice especially in the matter of marriage is exposed to risk including the criminal prosecution of her partner.

6. Many other rights that are conferred to a person on attaining the age of majority may be deferred for a period of two years.

12. The above civil consequences of correction of the date of birth of Petitioner No.1 are of vital importance and any restraint, even for a temporary period of two years deprives the petitioner no.1 from the right to life and personal liberty guaranteed under Article 21 of the Constitution of India.

13. In the present case, the material placed before this Court indicates that the earlier date of birth was recorded pursuant to an application submitted by the parents and after completion of the procedure before the competent authority. Fact brought before the court reveals that Respondent No.3 moved earth and heaven only after Petitioner No.1 exercised her right of personal choice and chose to marry Petitioner No.2. The material placed before this Court does not disclose that Petitioner No.1 had ever been admitted to a school, and therefore, no school record appears to be available which could conveniently resolve the controversy regarding her actual date



of birth.

14. It is the argument that petitioner no.1 faces civil and legal consequences and that she is the person directly affected by such correction of date of birth from 01.06.2008 to 30.12.2009. She was never intimated regarding the process of correction.

15. Per contra, counsel for respondents argued that Rule 11 of the Madhya Pradesh Registration of Births and Deaths Rules, 2024 does not expressly contemplate issuance of notice to the child whose date of birth is sought to be altered. Sub-rule (7) of Rule 11 of MP Registration of Births and Deaths Rule, 2024 which is being reproduced as below:-

"(7) In every case in which an entry is corrected or cancelled under these rules, intimation thereof should be sent to the permanent address of the person who' has given information under sections 8 and 9 of the Registration of Births and Deaths Act, 1969."

16. It is further submitted that respondent no.3/father of petitioner no.1 has duly intimated regarding the correction of entries regarding the date of birth. When the petitioner no.1 is the aggrieved then intimation only to the father/respondent no.3 does not fulfill the requirement of "*audi alteram partem*", one of the fundamental principles of natural justice which means "no person should suffer without giving an opportunity of hearing.

17. The principles of natural justice have been designed to ensure fairness in action by the State and public bodies and, therefore, an important facet of Article 14 of the Constitution of India. Principles of natural justice i.e. the principle of *audi alteram partem* has been explained by the Supreme Court in numerous judgments handed down by the Supreme Court from time



to time. *Mohinder Singh Gill v. Election Commission of India*, (1978) 1 SCC 405, *Smt. Maneka Gandhi v. Union of India*, AIR 1978 SC 597 and *Swadeshi Cotton Mills v. Union of India*, AIR 1981 SC 818, *Union of India v. Tulsiram Patel*, (1985) 3 SCC 398 and *Delhi Transport Corporation v. DTC Mazdoor Congress*, 1991 Supp. (1) SCC 600 are relevant in this regard.

18. In *Delhi Transport Corporation (Supra)*, Constitution Bench throws considerable light on the observance of principles of natural justice in particular *audi alteram partem* rule. In the aforesaid case, it has been held that the *audi alteram partem* rule, which, in essence, enforces the equity clause of Article 14 of the Constitution, is applicable not only to quasi judicial orders but to administrative orders affecting prejudicially the party in question unless application of rule has been expressly excluded by Act or regulation or rule. The rule of principles of natural justice does not supplant but supplement the rules and regulations and it is the demand of the rule of law, which permeates our constitution that the rule is observed both substantially and procedurally. It is, thus, trite that any action prejudicial to a citizen, which is taken by the State or public authority without affording him an opportunity of being heard would be unfair and arbitrary. An action which is unfair and arbitrary would fall foul of rule of equality, which is soul and spirit of Article 14 of the Constitution. It is only in exceptional cases like where there is no prejudice caused to a person against whom an order is passed or the compliance of principles of natural justice particularly the rule of *audi alteram partem*, even if observed would not change the position and



would be a mere useless formality, its strict adherence is excluded.

19. In the considered opinion of this Court, when petitioner no.1 is the aggrieved then intimation only to the father does not satisfy the requirement of "*audi alteram partem*".

20. Now come to the objection regarding the maintainability of the present petition on the ground of availability of an alternative remedy under Section 25A of the Registration of Births and Deaths Act, 1969. Law is crystal clear that the existence of an alternative statutory remedy does not operate as an absolute bar to the exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

21. The Apex Court in the case of *Whirlpool Corporation v. Registrar of Trade Marks, Mumbai & Ors., (1998) 8 SCC 1* and in *Arun Sahani Vs. Indian Oil Corporation* has held that the existence of alternative remedy does not itself bar the High Court or forums to exercise its jurisdiction in certain contingencies.

22. The principles governing the rule of alternative remedy have been summarized by the Apex Court in *M/s Radha Krishan Industries Vs. State of Himachal Pradesh and Others, (2021) 6 SCC 771* and recognized the maintainability of writ petition where:-

- (a) the writ petition has been filed for the enforcement of a fundamental right protected under Part III of the Constitution;
- (b) there has been a violation of the principles of natural justice;
- (c) the order or proceedings are wholly without jurisdiction; or
- (d) the vires of the legislation is under challenge."



23. In light of the above, petitioner no.1 was not intimated regarding the application of respondent no.3/ father for correction of date of birth and she was not provided any opportunity of being heard resulting in violation of principle of natural justice. The petitioners have approached this court alleging violation of "*audi alteram partem*" and the action of respondent no.5 exposes the petitioner no.1 for civil consequences specially as mentioned above in para no.11. Accordingly, the objection of maintainability of the writ petition on the ground of alternate remedy does not succeed.

24. Accordingly, the order No.405/Na.Pa./2026 dated 31.03.2026 passed by Chief Municipal Officer, Maheshwar, District Khargone correcting the date of birth of petitioner no.1 by cancelling the entry dated 05.06.2025 in exercise of power under Section 15 of the Registration of Births and Deaths Act, 1969 read with Rule 11 of the Madhya Pradesh Registration of Births and Deaths Rules, 2024, is liable to be and is hereby set aside.

25. Respondent no.5 is directed to decide the application of respondent no.3/ father of petitioner no.1 after affording the opportunity of effective hearing to the petitioner no.1 as per the law.

Pending application, if any, stands closed.

With the aforesaid, writ petition is disposed off.

(GAJENDRA SINGH)
JUDGE

amit/ajit

