



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 37554 of 2024

P.Santhi Devi

..Petitioner

Vs

1. The Commissioner
Greater Chennai Corporation, Chennai.
2. The Registrar Of Birth And Deaths
Greater Chennai Corporation, Chennai.
3. The Zonal Health Officer,
Zone Viii, Greater Chennai Corporation,
Chennai.
4. N. Senthil
(R4 Impleaded vide order of this Court
dated 13.08.2026)

..Respondent(s)

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorarified mandamus, call for records of the 3rd respondent culminated in Ma.A8.Po.Su.Thu.Na.Ka.No. 1507/2024 dated 24.07.2024 and quash the same, consequently direct the 3rd respondent to make corrections of the name of the father in the Birth Registration Certificate No. COC/2008/05/070/001026/0 of Petitioners son namely Minor Devaesh from Mr.Senthil to Mr.R.Kumaresan and issue revised / corrected Birth Certificate.



For Petitioner: M/S.A.M. Amutha Ganesh

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For Respondent: M/s. K.Ashwini Devi, Standing Counsel

ORDER

The petitioner is before this Court challenging the communication dated 24.07.2024 issued by the third respondent, whereby the petitioner's application seeking substitution of the name of her son Devaesh's stepfather in place of his biological father in the birth certificate was rejected.

2. The learned counsel for the petitioner submitted that the petitioner married N. Senthil, who has been impleaded as the fourth respondent, on 04.03.2004. From the said wedlock, her son Devaesh was born. Due to matrimonial disputes, their marriage was dissolved by the Principal Family Court, Chennai, by decree dated 06.02.2013 in F.C.O.P.No.3034 of 2012. After the decree of divorce, the minor child has been in the custody of the petitioner. Subsequently, the petitioner married R. Kumaresan on 26.04.2021. The petitioner and her husband are presently taking care of the welfare of the child. Therefore, the petitioner submitted an application to the respondents seeking substitution of the name of her son's stepfather, R. Kumaresan, in place of his biological father in the birth



certificate. The said application was rejected by the impugned communication.

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3. N. Senthil was impleaded as the fourth respondent and filed an affidavit stating that, after the separation, he has been living separately and has not contacted the petitioner to know about her present situation. He has also given his wholehearted consent, keeping in mind the welfare and mental well-being of the child, for substituting the name of the stepfather, R. Kumaresan, in his place in the birth certificate of his son Devaesh.

4. In similar circumstances, a learned Single Judge of this Court, in ***Mrs.B.S.Deepa v. The Regional Passport Officer, Chennai and Others [2015-1-L.W.943]***, held as follows:

“38. In view of the above, the writ petition is disposed of with the following directions:

(1) The Ministry of External Affairs, Union of India may incorporate suitable provisions in the Passport Manual and suitable columns in the applications for issue of passports, to enable the parties to indicate either the names of the biological parents or the names of the adoptive parents or the names of the step parents or all of them, according to the circumstances. It can be left to the will of the parties either to



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indicate the names of one or more of the biological parents along with the name/names of the adoptive or step parent/parents or to indicate the names of all.

(2) In so far as the case on hand is concerned, the respondents shall issue a passport to the daughter of the petitioner by indicating the name of R.Lakshmanan as the stepfather in the column reserved for filling up the name of the father. The respondents are directed to issue the passport within four weeks upon the petitioner's application bearing File No.MA3067806994714 dated 10.07.2014.

*The said judgment was followed in a subsequent decision of this Court reported in (2016) 7 Mad LJ 605 (J.Nijish Archibald v. **The Regional Passport Officer**). I am inclined to adopt the same approach. The respondent is directed to re-issue the passport to the petitioner by substituting the name of her stepfather, J.Praveen, in place of her biological father, Ashwin K., as expeditiously as possible."*

5. The said decision was also followed by the Madurai Bench of the Madras High Court in **W.P.(MD)No.30055 of 2023, dated 27.02.2024 (Mirunadevi v. The Commissioner, Madurai Corporation, Madurai and**



another), wherein it was held that the issue should not be approached from a technical angle and that deletion of the name of the biological father from the birth certificate would not, in any manner, take away the child's rights in the estate of the biological father.

6. In view of the aforesaid authoritative pronouncements, the impugned communication issued by the respondent rejecting the petitioner's application is not legally sustainable.

8. Accordingly, the following order is passed:

(i) The impugned communication dated 24.07.2024 issued by the third respondent is hereby set aside.

(ii) The third respondent is directed to make the necessary correction in the birth registration certificate bearing No.COC/2008/05/070/001026/0 of the petitioner's son, Minor Devaesh, by substituting the name of Mr.Senthil with the name of Mr.R.Kumaresan as the father, and issue a revised/corrected Birth Certificate, within a period of four weeks from the date of receipt of a copy of this order.



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(iii) It is made clear that deletion of the name of the biological father from the birth certificate shall not, in any manner, take away the rights of the child in the estate of his biological father.

(iv) There shall be no order as to costs.

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Index: Yes/No

Neutral Citation: Yes/No

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HEMANT CHANDANGOUDAR, J.

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