

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE SMT. JUSTICE P.V.ASHA**

**FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937**

**WP(C).No. 6539 of 2015 (N)**  
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**PETITIONER(S):**  
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**ANTONY K.L., AGED 41 YEARS  
S/O.LAWRANCE, KADAMATTU HOUSE, AROOR P.O.  
CHERTHALA, ALAPPUZHA DISTRICT, PIN 688534.**

**BY ADVS.SRI.P.K.IBRAHIM  
SRI.D.B.BINU  
SMT.K.P.AMBIKA**

**RESPONDENT(S):**  
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- 1. THE REGIONAL JOINT DIRECTOR/ THE 2ND APPELLATE AUTHORITY,  
OFFICE OF THE REGIONAL JOINT DIRECTOR OF URBAN AFFAIRS,  
KOCHI-682031.**
- 2. THE SECRETARY/THE 1ST APPELLATE AUTHORITY  
THE COCHIN MUNICIPAL CORPORATION, ERNAKULAM  
PIN 682011.**
- 3. THE HEALTH OFFICER/THE DESIGNATED OFFICER  
MATTANCHERRY ZONAL OFFICE  
THE COCHIN MUNICIPAL CORPORATION, ERNAKULAM  
PIN 682002.**
- 4. BEENA  
THE HEALTH OFFICER/THE DESIGNATED OFFICER  
MATTANCHERRY ZONAL OFFICE  
THE COCHIN MUNICIPAL CORPORATION, ERNAKULAM  
PIN 682002.**
- 5. THE DIRECTOR  
DEPARTMENT OF URBAN AFFAIRS, GOVERNMENT OF KERALA  
THIRUVANANTHAPURAM, PIN 695001.**

**R1 & R5 BY GOVERNMENT PLEADER SRI.RAFEEL V.K.  
R2-4 BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**VS**

**WP(C).No. 6539 of 2015 (N)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT-P1 : TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE COCHIN MUNICIPAL CORPORATION DATED 21.05.2011.**
- EXHIBIT-P1(A) : TRUE COPY OF THE RECEIPT DATED 11.12.2014 FOR APPLICATION SEEKING BIRTH REGISTRATION AND CERTIFICATE.**
- EXHIBIT-P2 : TRUE COPY OF THE 1ST APPEAL UNDER SEC.9 OF THE KERALA STATE RIGHT TO SERVICE ACT, 2012 DATED 09.01.2015.**
- EXHIBIT-P3 : TRUE COPY OF THE 2ND APPEAL DATED 05.02.2015 SUBMITTED BEFORE THE 1ST RESPONDENT.**
- EXHIBIT-P4 : TRUE COPY OF THE COVERING LETTER DATED 12.02.2015 OF THE 1ST RESPONDENT RETURNING EXT.P3 2ND APPEAL.**
- EXHIBIT-P5 : TRUE PHOTO COPY OF THE POSTAL COVER IN RESPECT OF EXT.P4 COMMUNICATION.**
- EXHIBIT-P6 : TRUE COPY OF THE GO (MS)2/2013/LSGD DATED 01.01.2013.**
- EXHIBIT-P7 : TRUE COPY OF THE REPRESENTATION DATED 21.2.2015 ADDRESSED TO TH 5TH RESPONDENT.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

**P.V.ASHA, J**

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**W.P.(C).No.6539 of 2015**  
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Dated this the 12<sup>th</sup> day of June, 2015

**JUDGMENT**

The petitioner, is aggrieved by the inaction of the respondents on his application for inclusion of the name of his child in the Birth Certificate, even after filing an appeal under Section 9 of the Kerala State Right to Service Act, 2012(hereinafter referred to as the 'Act'), before the Secretary, Cochin Corporation. As the second appeal, under Section 11 of the Act, did not yield any result, he has approached the Director, Urban Affairs, by filing Ext.P7 representation.

2. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent corporation.

3. According to the counter affidavit filed by the respondents 2 and 3, the petitioner has requested for correction of the initials of the father also, since father's name is recorded as P.L. Antony instead of K.L. Antony. It is stated that the petitioner has not produced the requisite

documents for carrying out such correction, despite intimation, as per letter dated 16.12.2014. It is stated that, since the petitioner did not produce the requisite documents, even after several intimations to him, the name of the child has already been recorded in the birth certificate. It is stated that if the petitioner produces the originals and copies of the school certificates of the father, the initials in the name of father -of the the petitioner can be corrected in the Birth Certificate. They have further stated that the office of the Corporation was overburdened with work in January & February 2015.

4. The petitioner's case is that there is a thorough lapses and inaction on the part of the respondents 1 to 3 in clear violation of the provisions of the Act and therefore petitioner has resorted to proceedings against the respondents, as provided under the provisions of the Act and Ext P7 is submitted before the 5<sup>th</sup> respondent, seeing the inaction on the 2<sup>nd</sup> appeal preferred by petitioner.

5. In the above circumstance, this writ petition

is disposed of, directing the 5<sup>th</sup> respondent to pass appropriate orders on Ext.P7, in accordance with law, within a period of 3 months from the date of receipt of a copy of this judgment.

In the meanwhile, in case the petitioner choose to produce the requisite documents for correction of initials in his name, the respondent corporation shall carry out necessary corrections.

Sd/-  
**P.V.ASHA**  
**JUDGE**

VS