

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24253 of 2014

S.K.Syed Rafiullah

... Petitioner

vs.

1. The District Collector
Collectorate, Kanchipuram District

2.The Director
Pallavaram Municipality
New Colony, Alandur Taluk
Kanchipuram District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to quash the impugned order No.A.Thi.Mo.No.2130/2014/H1 dated 01.04.2014 passed by the second respondent and to direct the 2nd respondent to delete the old name and entering the new name as R.Amanullah in the Birth Certificate Registration No.3376/2012/01 dated 05.11.2012 of the petitioner's son based on his representation dated 21.03.2014 according to the Registration of Births and Deaths Act, 1969.

For Petitioner : M/s.V.Preetha

For Respondents : Mr.S.Gunasekaran
Govt. Pleader for R1

सत्यमेव जयते
Mr.P.Srinivas for R2

ORDER

Heard Ms.V.Preetha learned counsel for the petitioner, Mr.S.Gunasekaran, learned counsel for the first respondent and Mr.P.Srinivas, learned counsel for the second respondent.

2. The petitioner seeks for the issuance of writ of certiorari to quash the communication dated 01.04.2014 and direct the 2nd respondent to delete the old name and to enter the new name as R.Amanullah in the Birth Certificate bearing Registration No.3376/2012/01 dated 05.11.2012 of the petitioner's son based on his representation dated 21.03.2014.

3. The petitioner would state that a male child was born to his wife on 01.11.2012. However, his son's name was wrongly entered by the Hospital authorities as R.Syed Athiefullah. In 2013, the name of the petitioner's son has been rectified as R.Amanullah in the Gazette of India and the petitioner has also given paper publication in Tamil daily during November 2013. With these facts, the petitioner has made a representation. The authority, while considering the representation, has rejected the same stating that the question of correction of name of the child cannot be done and if the name of the child has been subsequently challenged, the petitioner has to utilize the gazette publication along with the Birth Certificate and the name, which has been shown in the gazette cannot be incorporated in the Birth Certificate.

4. The learned counsel appearing for the respondent submitted that there is no provision to effect such correction.

5. In reply, the learned counsel for the petitioner placed reliance on the decision of this Court in A.James Vs. The Commissioner in W.P (MD) No.7303 of 2014 dated 10.06.2014 and decision in B.Cithala vs. The Director of Municipal Administration in W.P.No.2096 of 2006 dated 03.03.2006. In fact, this Court in the case of A.James Vs. The Commissioner in W.P (MD) No.7303 of 2014 took note of the earlier order passed by this Court in W.P.No.296 of 2007 dated 14.06.2007 wherein this Court opined that no prejudice is going to be caused to consider the request for change of name and accordingly, a direction was issued.

6. In the light of the above, this writ petition is allowed and the impugned order dated 01.04.2014 is set aside and the matter is remitted back to the second respondent. The second respondent shall take into consideration the decision of this Court in A.James Vs. The Commissioner in W.P (MD) No.7303 of 2014 and after conducting an enquiry in which both the petitioner and his wife should appear before the second respondent, shall pass fresh orders on merits and in accordance with law. The petitioner shall enclose the order in A.James Vs. The Commissioner dated 10.06.2014 in W.P (MD) No.7303 of 2014 along with the copy of this order and submit one more representation to the respondent. On receipt of the same, a date shall be fixed for enquiry and shall proceed further in accordance with law. No costs.

Sd/-

Assistant Registrar

Dated:27.2.15

True Copy

Sub Assistant Registrar

To

1. The District Collector
Collectorate, Kanchipuram District

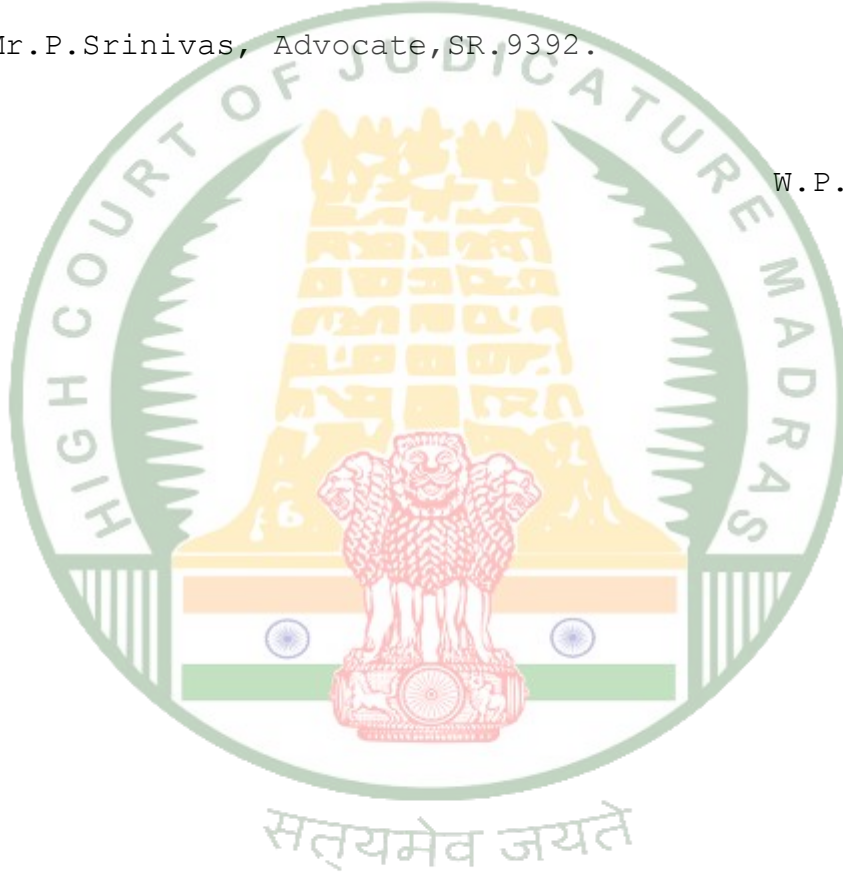
2. The Director
Pallavaram Municipality
New Colony, Alandur Taluk
Kanchipuram District

+1 cc to Government Pleader, SR.9447

+1 cc to Mr.P.Srinivas, Advocate, SR.9392.

lrs(co)
krd 6/3

W.P.No.24253 of 2014



WEB COPY