IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.29794 of 2015

Adithya Varadarajan ... Petitioner

Vs.

The Commissioner,
Corporation of Vellore,
Officers Lane,
Vellore – 632 001. ... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorari to call for the records of the respondent in Na.Ka.No.5895/2015/D1, dated 3.07.2015, quash the same and direct the respondent to incorporate the petitioner's full name as Adithya Varadarajan and issue a fresh birth certificate.

For Petitioner : Mr.S.Parthasarathy, Senior Counsel
for M/s.T.S.Gopalan & Co.
For Respondent : Ms.P.Shanthi

O R D E R

An application was made on behalf of the petitioner by his father seeking to include the name of his grandfather Varadarajan in the birth register. The request made was rejected on the ground that there was a change in the year 2012 with respect to the father and mother and therefore, a correction can be made only once and thus the same is not permissible. The petitioner was accordingly advised to have the gazette notification.

2. As rightly submitted by the learned Senior counsel for the petitioner, there is no dispute on facts with reference to the parentage of the child and his name. What the petitioner wants is to include his grandfather's name. Therefore, in effect, there is no change in the name of the petitioner and it is only an addition. Even otherwise, a correction of spelling

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with respect to the parents cannot be put against the petitioner. As against the petitioner, the change is for the first time. The said rule, as cited by the learned counsel for the respondent, is only meant for correcting the procedure and therefore, a hypertechnical interpretation cannot be adopted. There is no dispute on facts.

3. In such view of the matter, the impugned order is set aside and consequently, the respondent concerned is directed to incorporate the petitioner's full name as Adithya Varadarajan in the birth register within a period of four weeks from the date of receipt of a copy of this order. In fine, the writ petition stands allowed. No Costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rkm

To

The Commissioner,
Corporation of Vellore,
Officers Lane,
Vellore - 632 001.

+1 cc to Mr.T.S.Gopalan,Advocate(sr.56042)
+1 cc to Ms.P.Shanthi,Advocate(sr.56173)

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cp 16/10/2015

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