



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P(MD).No.2840 of 2015

Y.Amzed Khan

... Petitioner

Vs.

The Commissioner, Madurai Corporation,
Anna Maligai, Thallakulam,
Madurai.

... Respondent

Writ Petition to filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorari or Mandamus or any other writ or direction in the nature of writ calling for the records relating to the order of the respondent made in (H5) O.Mu/8007/201 dated 17.7.2013 and quash the same as it is illegal and in consequence to direct the respondent to make necessary changes as "Gomathi Priya" after deleting the name "Ayisha" in the column of the name of mother in the birth register of Madurai Corporation relating to the registration of birth of petitioner child A.Sahana born on 26.03.2010 and to issue a fresh birth certificate with the said entry.

For petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.R.Prabhu Ramachandran, takes notice
Standing Counsel

ORDER

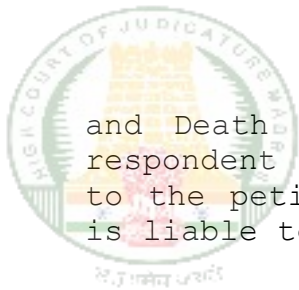
Challenging the order of rejection of the respondent dated 17.07.2013, the petitioner is before this Court.

2. Mr.R.Prabhu Ramachandran, learned Standing Counsel takes notice for the respondents.

3. By consent, the writ petition itself is taken up for final disposal.

4. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is a Muslim by birth and his wife, namely, Gomathi Priya, is a Hindu by birth. Their marriage was solemnized under the Special Marriages Act, at Trichy District. Out of the said wedlock, a female child was born by name "Sahana". The grievance of the petitioner in this Writ Petition is that his child's mother name has wrongly been given as "Ayisha" instead of "Gomathi priya". The said mistake was also brought to the notice of the respondent through the letter dated 03.04.2010 by Harley Ram Hospital, Madurai, where the petitioner's daughter was born. However, the authorities simply rejected the claim of the petitioner stating that there is no provision to change the name in the birth certificate except with letter correction.

5. The learned counsel appearing for the petitioner would further contend that there is a provision available under Section 15 of the Birth and Death Registration Act and Rule 11 of the Tamil Nadu Birth



and Death Rules, 2000 to set the things at right. In spite of it, the respondent has passed the impugned order, that too, without giving notice to the petitioner. Therefore, the order impugned in this Writ Petition is liable to be set aside.

6. The learned counsel appearing for the respondent would submit that since the order impugned in this Writ Petition is passed without providing an opportunity to the petitioner as well as without applying the relevant provision of the Act and the Rule, the matter may be remitted back to the authorities concerned for passing orders, afresh.

7. In view of the above, this order impugned this Writ Petition stands set aside since no notice has been issued to the petitioner. The petitioner is directed to produce all the relevant records before the respondent in support of his claim within a period of two weeks from the date of receipt of a copy of this order. On the basis of the records to be produced by the petitioner, the respondent is directed to pass appropriate orders by applying the provisions available under Section 15 of the Birth and Death Registration Act and Rule 11 of the Tamil Nadu Birth and Death Rules, 2000, within a period of eight weeks, thereafter.

With the above direction, this Writ Petition stands disposed of.
No costs.

Sd/-
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

The Commissioner,
Madurai Corporation,
Anna Maligai, Thallakulam, Madurai.

+1cc to MR.R.SURIYANARAYANAN, ADVOCATE IN SR : 10098
+1cc to MR.R.PRABHU RAMACHANDRAN, ADVOCATE IN SR : 9891

Ssm
SR : 18.03.2015 : 2p/4c

W.P (MD) .No.2840 of 2015
03.03.2015