



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)No.1730 of 2011
and M.P(MD)No.1 of 2011

T.Anbu Sunder Raj

... Petitioner

Vs.

1. The Registrar of Births and Deaths,
Nagercoil Municipality,
Nagercoil.

2. Jancilin Marina

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Birth Certificate issued by the first respondent in Form No.5-8132, dated 19.08.2010 and quash the same and to direct the second respondent not to misuse the name of the petitioner for any purpose particularly to the child A.Blessing David Raj.

For Petitioner	: Mr.A.S.Mujibur Rahman
For R - 1	: Ms.S.Srimathy
For R - 2	: Mr.Nirmal Kumar for M/s.Ajmal Associates

ORDER

This Writ Petition is filed challenging the Birth Certificate issued by the first respondent, dated 19.08.2010 and consequently, to direct the second respondent not to misuse the name of the petitioner for any purpose, particularly to the child A.Blessing David Raj.

2. Heard both sides.

3. It is an admitted fact that the petitioner and second respondent were living as husband and wife and got divorce later. It is also an admitted fact that a male child was born on 21.07.1996 and the Birth Registering Authority issued a Certificate on 12.11.2002 showing the name of the child as A.Blessing David Raj; name of the father of the said child as Sunder Raj and name of the mother as Johnslin Merina. Now, the present impugned Birth Certificate is once again issued by the



first respondent showing the name of the father as T.Anbu Sunder Raj, however, without making any other alteration in respect of other entries made, as available in the earlier Certificate issued on 12.11.2002.

4. The grievance of the petitioner is that the said child was not born to him and therefore, his name should not be used or misused in the Birth Certificate.

5. It is seen that when an earlier Certificate was issued on 12.11.2002, the petitioner has not questioned the same. On the other hand, he filed a suit in O.S.No.6362 of 2003 on the file of the City Civil Court, Chennai, seeking for a declaration that the said child born on 21.07.1996, cannot have the paternity of the petitioner and consequently, to restrain the second respondent herein from using the petitioner's name as father of the child and father in the Birth records. Though such suit was filed by the petitioner for such relief, it is an admitted fact that the said suit was subsequently dismissed as not pressed and to that effect, a decree was passed on 24.03.2004.

6. Therefore, the petitioner having not pressed the suit filed by him, cannot now question the Birth Certificate issued by the first respondent, impugned in this Writ Petition showing his name as the father of the child. It is not in dispute that the petitioner's name is T.Anbu Sunder Raj, as seen in the affidavit, sworn in this Writ Petition itself. Therefore, I find no merits in this Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Registrar of Births and Deaths,
Nagercoil Municipality,
Nagercoil.

+ 1 CC TO MR.A.S.MUJIBUR RAHMAN, ADVOCATE IN SR NO. 69024/15
+ 1 CC TO MS.SRIMATHY, ADVOCATE IN SR NO. 68858/15
+ 1 CC TO M/S.AJMAL ASSOCIATES IN SR NO. 69011/15

PS

TE/PM- 10/12/2015 : 2P/5C