

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.40691 of 2015

Madhu Jayanthi

.. Petitioner

Vs.

1.The Commissioner
Salem Municipal Corporation
Salem District.

2.The Registrar (Birth and Death)
Salem Municipality Corporation
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the second respondent to issue the corrected birth certificate of the petitioner's son who was born on 03rd July 1986 (03.07.1986), with his name as B.Raveesh instead of erstwhile name B.Shrirajavenkateshwar as per the publication made in the Tamil Nadu Government Gazettee Part VI Section 4 of July 22 of 2015 (page 2270) as requested in the petitioner representation dated 19.11.2015.

For Petitioner : M/s.D.Shivakumaran
For respondents : Mr.K.Bhuvaneswari.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the second respondent to issue the corrected birth certificate of the petitioner's son who was born on 03rd July 1986 (03.07.1986), with his name as B.Raveesh instead of erstwhile name B.Shrirajavenkateshwar as per the publication made in the Tamil Nadu Government Gazettee Part VI Section 4 of July 22 of 2015 (page 2270) as requested in the petitioner's representation dated 19.11.2015.

3.The affidavit filed by the petitioner it is stated that the petitioner's son was born on 03.07.1986 in Chitra Kalyanaraman Surgical Nursing Home, Salem. He was named as B.Shrirajavenkateshwar and the same is recorded in the birth register maintained by the second respondent. The birth certificate issued by the second respondent also reflects the same. The petitioner's family members used to call him as B.Raveesh. Since, the petitioner's son predominantly known as B.Raveesh, the records i.e, school certificates, college and University records, Bank Pass Book and Passport and other identity cards etc., his name is recorded as B.Raveesh instead of B.Shrirajavenkateshwar in all the records, except the birth register.

4.The petitioner further states that his son after completing his studies he is now working at New Zealand, while applying for extension of visa/work permits in New Zealand, the petitioner's son has to produce the birth certificate, on producing the birth certificate along with other documents, the birth certificate produced by him mismatched with the other documents, his explanation to the officials is not accepted. The authorities in New Zealand says that the name in the birth certificate and other records should tally as one and the same. Afterwards, the petitioner arranged to publish the corrected name of his son the Government Gazettee. The Government Gazettee shows the change of petitioner's son name from B.Shrirajavenkateshwar to B.Raveesh, the same was published in the Tamil Nadu Government Gazettee Part VI Section 4 of 22.07.2015 (page 2270). The same is also published in the English Daily Newspaper having wide circulation in the Salem District. The petitioner sent a representation dated 19.11.2015 to the respondents to issue the corrected birth certificate in the name of B.Raveesh. But, the same is not considered by the respondents, the petitioner filed the present writ petition.

5.Today when the matter was taken up hearing, the learned counsel for the petitioner submitted that in an identical matter, this Court following the judgment in WP.No.296 of 2007, dated 14.06.2007, directed the respondents to amend the birth certificate within a specified time. Hence, following the same a similar order has to be passed. The relevant portion of the judgment delivered by this Court in WP.No.296 of 2007 dated 14.09.2007, reads as follows :

"3.It is a matter of fact that the claim of the petitioner deserves to be considered since the name has been changed through the Gazette Publication. Under the circumstances, by granting the relief sought for by the petitioner in the writ petition to have his name changed in the school register, by effecting the necessary changes in the birth

certificate, neither the Government nor the School authorities is going to have a serious prejudice caused to them considering the purpose of issuance of certificate as per the enactment.

4. Learned counsel appearing for the respondent submitted that there are no provision to effect the same. It is not necessary that the Act should contain Rule for every aspect, particularly in matters where such amendments are not going into the root of the matter, which other things are satisfied namely, the date of birth, parents name etc and Gazette publication recording the change in the name of the child.

5. In the circumstances, the concerned authorities are hereby directed to effect the necessary change in the birth certificate as per the Tamil Nadu Gazette Notification and the School authority is also directed to carry out the necessary change thereon."

6. The dictum laid down in the above order, is squarely applicable to this case. In the present case also petitioner's son name has been published as "B.Raveesh" in the Government Gazette. In such circumstances, there cannot be any impediment for the respondents to correct the same in the birth certificate. Hence, the writ petition is allowed and the concerned respondent is directed to issue birth certificate to the petitioner's son, who was born on 03.07.1986, and corrected as "B.Raveesh" as per the publication made in the Government Gazette on 27.06.2012, within a period of three weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

tsh

To

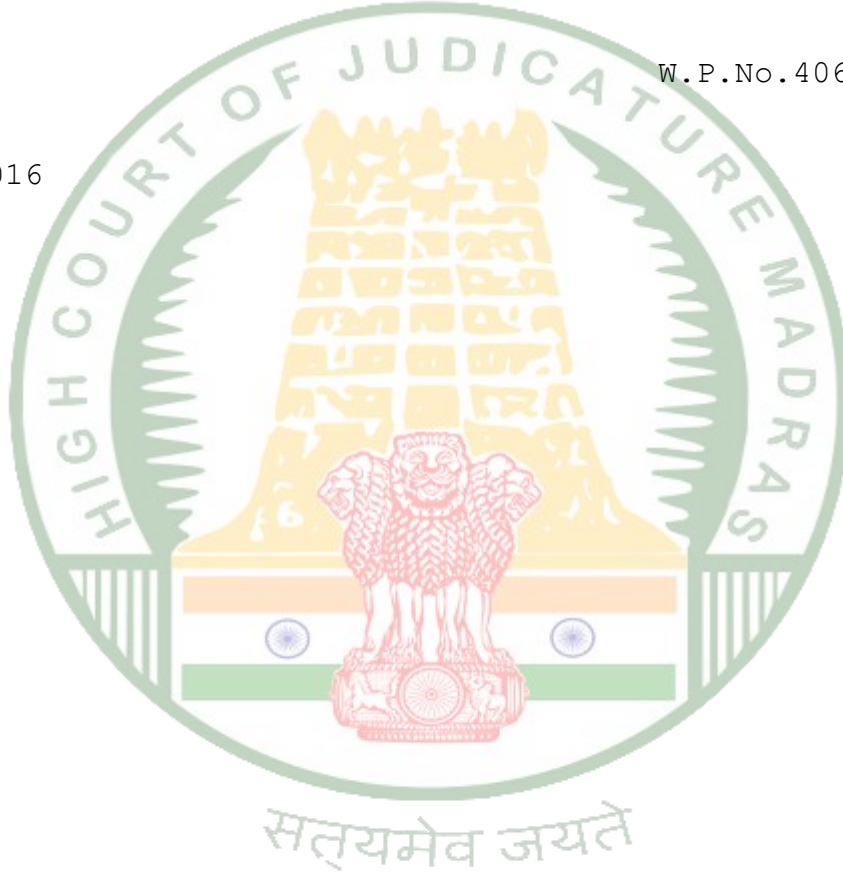
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+1 cc to Mr.D.Shivakumaran Advocate sr.9033

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