



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

THE HONOURABLE **MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

AND

THE HONOURABLE **MR.JUSTICE S.NAGAMUTHU**

W.A. (MD) .No.1157 of 2016

and

C.M.P. (MD) No.7408 of 2016

T.Anbu Sunder Raj

: Appellant/
Petitioner

Vs.

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

2.Jancilin Marina

: Respondents/
Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Appeal against the order dated 02.12.2015 made in W.P.(MD).No.1730 of 2011 on the file of this Court.

Prayer in WP(MD). 1730/ 2011 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records relating to the Birth Certificate issued by the 1st Respondent in Form No.5-8132, dated 19-08-2010 and quash the same and to direct the 2nd Respondent not to misuse the name of the Petitioner for any purpose particularly to the child A.Blessing David Raj.

For Appellant : Mr.A.S.Mujibur Rahman

For 1st respondent : Mr.M.Govindan,

Special Government Pleader

JUDGMENT

[Judgment of the Court was made by

The Hon'ble The Chief Justice]

The appellant, having challenged the parentage of the child stated to have been born through him in a suit, having withdrawn the suit, now seeks to rake-up the same issue in writ proceedings, which is hardly appropriate proceeding for determining the alleged dispute. This is the view of the learned Single Judge while opining that the birth certificate issued by the first



respondent showing the name of the appellant as father, cannot be challenged in writ proceedings.

2. In view of the facts set out therein and the appellant having not pressed the suit, which would have been the appropriate remedy to prove his case, the appeal filed against the impugned order cannot be entertained.

3. Writ Appeal is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Record)

/True copy/

Sub Assistant Registrar

To

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

+1 cc to M/s. A.S. Mujibur Rahman, Advocate in SR.No.58463

gcg

CSL/EM-MPA/21.10.2016: 2p/3c

JUDGMENT MADE IN
W.A. (MD) .No.1157 of 2016
Dated:03.10.2016