



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2016

CORAM

THE HONOURABLE **MR.JUSTICE T.RAJA**

W.P (MD) No.14150 of 2016

P.Anand

... Petitioner

Vs

1.The Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Madurai-2.

2.The Registrar of Birth and Death
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Madurai-2.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to carry out the correction such as father's name as P.Anand instead of M.Saravanan in the petitioner's son's birth certificate in C.A.R.949/06 dated 09.03.2006 by considering the petitioner's representation dated 07.07.2016.

For petitioner : Mr.T.Lenin Kumar

For respondents : Mr.N.Shanmugaselvan

ORDER

Mr.P.Anand, has come to this Court directing the second respondent to carry out the correction in his son's Birth Certificate.

2. The case of the petitioner is that out of wedlock between the petitioner and one Sri Rangaselvi, he was blessed with a male child, by name, Surjith Ajay, born in Raghavendra Hospital, Madurai. The hospital authorities communicated the birth details of the son of the petitioner to the second respondent for the purpose of issuing a Birth Certificate, who in turn, also issued a Certificate. While so, when the petitioner applied for passport to his son, the petitioner came to know that the father of the petitioner is wrongly mentioned as 'M.Saravanan' instead of 'P.Anand', who is the petitioner herein. In this regard, the



petitioner approached the second respondent, who in turn, asked to approach the hospital authorities. Subsequently, when the petitioner approached the hospital authorities, it is informed by them that the records pertaining to his son was destroyed due to efflux of time. Having left with no other option, the petitioner has sent a representation to the respondents on 07.07.2016. However, there has been no response from them forcing the petitioner to approach this Court.

3. Mr. Shanmugaselvan, was put on notice for the respondents.

4 It is seen that as per Section 15 of the Birth and Death Registration Act and Rule 11 of the Tamil Nadu Birth and Death Rules, 2000, the respondents are vested with power to do and make necessary correction in the matter of this nature. Therefore, there is no impediment for the respondents to invoke the power vested with them. Keeping in mind that the son of the petitioner has to apply for passport and apparently, there is no dispute over the claim made by the petitioner, the respondents are directed to do necessary correction in the Birth Certificate issued to the petitioner's son, as per provisions stated above, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Madurai-2.
2. The Registrar of Birth and Death
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Madurai-2.

+1 cc to MR. T. LENIN KUMAR, Advocate Sr.No. 42442

+1 cc to MR. N. SHANMUGA SELVAM, Advocate Sr.No. 42343

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