



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

C O R A M

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.15643 of 2016

T.Maruthanayagam

..Petitioner

Vs.

Commissioner,
Municipality II Grade,
Vickramasingapuram.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the petitioner's written representation dated 02.05.2016, 10.05.2016 and based on that respondent made a correction of birth date in which wrongly mentioned in the birth certificate of the petitioner's second son named Thirumalaivel on 14.04.1989 instead of 11.04.1984 and subsequently made a correction endorsed in original birth extract.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.P.Athimoola Pandian

O R D E R

This Writ Petition is filed by the petitioner seeking a direction to the respondent to consider his representation dated 02.05.2016 and 10.05.2016 to make correction of date of birth of his second son, namely, Thirumalaivel, which is wrongly mentioned in the Birth Certificate issued by the respondent.

2. According to the petitioner, he is the father of one Thirumalaivel, who was born on 11.04.1989 and at the time of registering the birth, the date of birth has been wrongly entered as 14.04.1989. Hence, he made a representation to the respondent on 02.05.2016, for correction of date of his birth. According to the petitioner, the school certificate reflects the correct date of birth as 11.04.1989, under Section 15 of Tamil Nadu Registration of Births and Deaths Act and Rule 11 of Tamil Nadu Registration of Births and Deaths Rules, 2000, the respondent has power to correct the date of birth. Hence, he made representation for the same and it was not considered by the respondent. Hence, he has filed this Writ Petition.

3. Mr.P.Athimoola Pandian, learned counsel appearing for respondent/Municipality would contend that the petitioner did not produce any document to show that the petitioner's son was born on

11.04.1989. But at the time of registration, the petitioner has given the date of birth as 14.04.1989 and based on his declaration only, the date of birth has been entered into the Register. Hence, there is no scope for correcting the date of birth in the Birth Register.

4. This Court considered the rival submissions.

5. As per Section 15 of Tamil Nadu Registration of Births and Death Act, 1969, the respondent has power to correct any wrong entry made in the Birth Register, provided that it should be proved to the satisfaction of the Registrar that the entry has been made wrongly. Apart from that, as per the Rule 11 of Tamil Nadu Registration of Births and Deaths Rules, 2000, if any matter reported that a clerical and formal error is made in the register, the Registrar shall enquire into the matter, if satisfied that any such error has been made, he shall correct the error.

6. Hence, in view of the legal provision, the respondent is directed to consider the petitioner's representations dated 02.05.2016 and 10.05.2016 and conduct enquiry regarding the actual date of birth of the petitioner's second son, namely, Thirumalaivel and in the event of petitioner proves the date of birth of the petitioner's son Thirumalaivel as 11.04.1989 to the satisfaction of the respondent, the respondent should make necessary correction in the Birth Certificate. The above exercise shall be completed within 12 weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Commissioner,
Municipality II Grade,
Vickramasingapuram.

+1cc to M/s.Siva Ilayaraja, Advocate in SR.52575

W.P. (MD) No.15643 of 2016
15.09.2016

pmu

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