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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1390 OF 2016

Anurag Kaustubh Mayekar

.. Petitioner

Vs.

Municipal Corporation of Greater Mumbai
and ors.

.. Respondents

Mr. Yatin Malankar for petitioner.
Ms. Pallavi Thakar for MCGM.
Mr. Kunal Bharge, AGP for State.
Mr. Bhavin Bhatia for respondent no.5.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

JANUARY 12, 2017.

P.C.

1. The petitioner seeks direction to the Corporation for a change of name of petitioner's father in the birth certificate which was issued by the Corporation earlier. The earlier birth certificate was issued as "Anurag Nilesh Mayekar". It is submitted by the counsel that Mr. Nilesh, biological father of petitioner – Anurag, expired in the year 2011. Mr. Kaustubh, adopted father of the petitioner, adopted petitioner by execution

of registered Adoption Deed on 12/1/2011. A Gazette Notification to the said effect was issued in August 2010, copy of which is annexed at Exhibit “F” to the petition, indicating the change of name of the persons who had applied. At page no.38 of the petition (internal page 4 of the said Gazette), the last entry with Registration No.X-25153) reads as under :

Old Name with Registration No.

Anurag Nilesh Mayekar
(X-25153)

New Name and Address

Anurag Kaustubh Mayekar
F/404, Gokul Residency,
Thakur Village, Kandivali (E),
Mumbai 400 101.

2. By an application dated 26/2/2016, petitioner's adopted father applied for change of name of the petitioner in the birth certificate. It is the petitioner's contention that so far no response has been received from the Corporation. The Corporation authorities orally informed the petitioner that unless the court's order is received by the Corporation in support of the contention of the petitioner, no amendment could be carried out in the birth

certificate.

3. Learned counsel for the petitioner referred to an order dated 7/12/2016 passed by this court in Writ Petition No. 125 of 2015 in an identical circumstances.

4. Learned counsel appearing for the Corporation placed on record a copy of the Circular dated 5/9/2014 issued by the Deputy Director (Health), based on which the Corporation submits that for making changes in the record, a court's order and adoption deed is necessary.

5. We direct the higher authorities of the Corporation to look into the said Circular dated 5/9/2014 afresh after considering the orders passed by the courts from time to time. The procedure adopted by the Corporation shall be reasonable and for the convenience of the citizen and necessary care must be taken that no inconvenience is caused on the issues which are settled.

6. The petitioner has made passport authority as respondent no.5. Petitioner's apprehension is that the passport authority may not renew the

expired passport of the petitioner. The plea is merely based on the apprehension as the petitioner admittedly has not approached the passport authority. Learned counsel appearing for the respondent no.5 submits that in view of the amended policy / decision taken by the Ministry, the petitioner may take necessary steps.

7. In the facts of the case, in case the petitioner or his adopted father approaches the Corporation, with a copy of Adoption Deed and submits an application along with necessary documents, we direct the Corporation to do needful and issue amended birth certificate to the petitioner as requested at the earliest.

8. With the aforesaid direction, petition is disposed of.

(M. S. KARNIK, J.)

(NARESH H. PATIL, J.)