

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.20804 of 2017 &
W.M.P.21649 of 2017

1.V.S.Ekambaram @ Mohan
2.V.E.Gayathiri ... Petitioners

v.

The Commissioner
Vellore City Municipal Corporation
Infantry Road
Vasanthapuram
Kosapet
Vellore - 632 001 ... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to forthwith effect necessary correction in the 2nd petitioner's original record of birth bearing Registration No.035/1988/11/00726 by correcting the 1st petitioner's name in the entry name of father as Mohan alias V.S.Ekambaram instead of Mohan and to issue a fresh Birth Certificate incorporating such correction.

For Petitioner : Mr.Arun Anbumani

For Respondents : Ms.P.Shanthi
Standing Counsel

O R D E R

Ms.P.Shanthi, learned Standing Counsel, takes notice for the respondent. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioners have filed the above Writ Petition to issue a writ of mandamus directing the

respondent to forthwith effect necessary correction in the 2nd petitioner's original record of birth bearing Registration No.035/1988/11/00726 by correcting the 1st petitioner's name in the entry name of the father as Mohan @ V.S.Ekambaram instead of Mohan and to issue a fresh Birth Certificate incorporating such correction.

3.1 The 1st petitioner is the father of the 2nd petitioner. It is the case of the petitioners that at the time of obtaining the Birth Certificate of the 2nd petitioner, the 2nd petitioner's name has been mentioned as Mohan. The 2nd petitioner was born on 16.02.1988 and the same was registered on 20.12.2002 before the respondent. Subsequently, the mother of the 2nd petitioner, viz., Manimehalai (wife of the 1st petitioner) had died on 01.06.1999 and in the death certificate of the said Manimehalai, the 1st petitioner's name has been mentioned as Mohan @ Ekambaram. The petitioners have also obtained the legal heirship certificate from the Tahsildar, Kancheepuram, wherein also, the 1st petitioner's name has been mentioned as V.S.Ekambaram. In the Transfer Certificate of the 2nd petitioner also, the 1st petitioner's name has been mentioned as V.S.Ekambaram. In the Family Card issued to the petitioner's family, the 1st petitioner's name has been mentioned as Ekambaram.

3.2 Subsequently, the petitioners filed a Succession Original Petition in Succession Original Petition No.03/2016 on the file of Principal District Munsif Court, Kancheepuram and the Principal District Munsif issued the Succession Certificate in favour of the petitioners mentioning the 1st petitioner's name as V.S.Ekambaram @ Mohan. Even in the passport issued to the 2nd petitioner, the 1st petitioner's name has been mentioned as Vellore Ekambaram. The 2nd petitioner has completed his law degree and has been enrolled as an Advocate in the Bar Council of Delhi. Now, it is brought to the notice of this court that the 2nd petitioner has been admitted in the Master of Laws in Advanced Study Programme in Public International Law and the Specialization in Peace, Justice and Development of the academic year 2017-2018 at Leiden University, the Netherlands.

4. The learned counsel appearing for the petitioners submitted that the course commences on 01.09.2017 and that the University norms mandate that the 2nd petitioner obtains an original legalized Birth Certificate for completing the admission formalities. Since the birth

certificate of the 2nd petitioner contends her father's name as Mohan, whereas, in other documents, his name has been mentioned as V.S.Ekambaram, the 1st petitioner gave a representation dated 15.07.2017 to the respondent, for mentioning his name as Mohan @ V.S.Ekambaram in stead of Mohan alone. The respondent issued fresh Birth Certificate. However, the 1st petitioner's name has been mentioned only as Mohan and alias name has not been mentioned. In theses circumstances, the petitioner has filed the writ petition seeking for a mandamus to direct the respondent to issue fresh Birth Certificate contending the name of the 1st petitioner as Mohan @V.S.Ekambaram.

5. Ms.P.Shanthi, learned Standing Counsel appearing for the respondent submitted that the correction in the Birth Certificate cannot be done under the writ proceedings and the petitioners should approach the appropriate Forum for making correction in the Birth Certificate of the 2nd petitioner.

6. The petitioners have produced all the documents establishing the 1st petitioner's name as Mohan @ V.S.Ekambaram and it is also supported by the documents issued by the revenue authorities and also by the Principal of the St. Hildas Higher Secondary School, Ootacamund. That apart, even the Civil Court has granted Succession Certificate mentioning the 1st petitioner's name as V.S.Ekambaram @ Mohan. Therefore, I am of the considered view that since the petitioners have produced all the necessary documents to establish that the name of the 1st petitioner is Mohan @ V.S. Ekambaram, the name of the 1st petitioner should be mentioned as Mohan @ V.S.Ekambaram in the Birth Certificate.

7. Taking into consideration the urgency in the matter expressed by the learned counsel for the petitioners that the 2nd petitioner has to join the course at the Netherlands before 01.09.2017, I direct the respondent to issue a fresh Birth Certificate to the 2nd petitioner mentioning her father's name as Mohan @ V.S.Ekambaram instead of Mohan, within one week from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

Rj

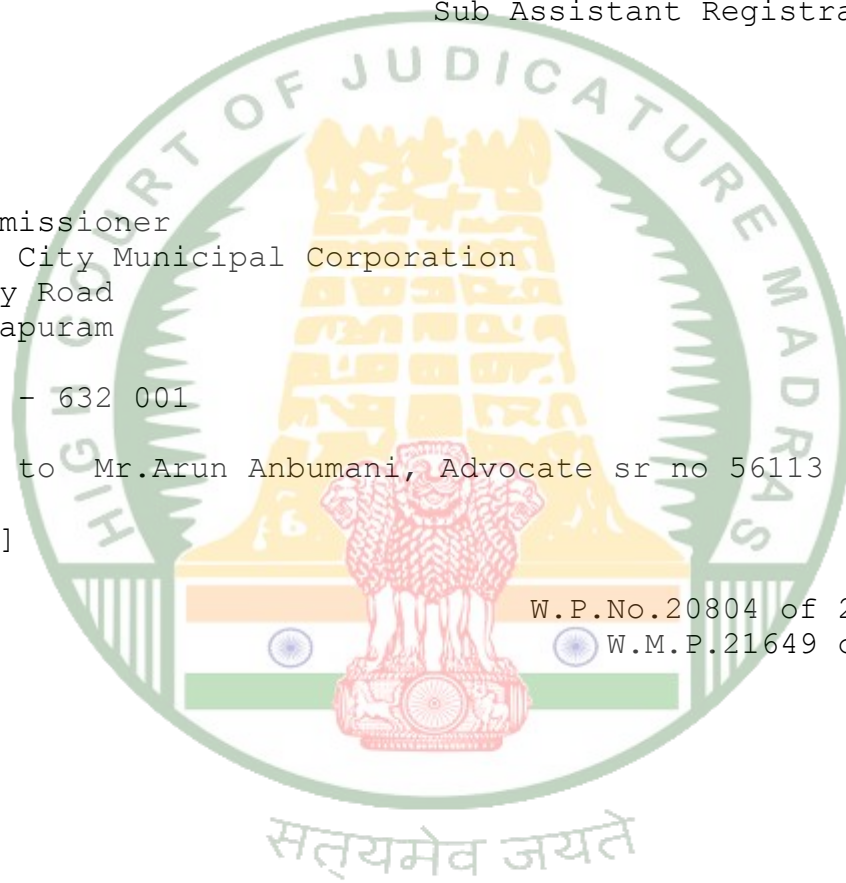
To

The Commissioner
Vellore City Municipal Corporation
Infantry Road
Vasanthapuram
Kosapet
Vellore - 632 001

+ 3 CCs to Mr.Arun Anbumani, Advocate sr no 56113

AR.cs[v]
GP/4.8.

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