



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVANW.P. (MD). No. 17509 of 2017

P.A. Rajan

: Petitioner

Vs.

The Commissioner cum Registrar of Birth and Deaths
Office of the Registrar of Birth and Deaths
Sankarankovil Municipality,
Tirunelveli District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records relating to the impugned notification issued by the respondent on 25.04.2017 vide Na.Ka.No.498/H1/2017 and quash the same as illegal and consequently direct the respondent to rectify Death Extract Registration No.57/2016/04 dated 25.04.2016 on the basis of alteration report of the Government Hospital, Sankarankovil dated 13.11.2016 and reissue fresh Death Certificate in the original name of the petitioner's father ie., Peria Antony.

For Petitioner

: Mr.V.Muthuvelan

For Respondent

: Mr.P.Mahendran,
Standing Counsel

O R D E R

This writ petition has been filed, seeking a writ of Certiorarified mandamus to quash the impugned notification dated 25.04.2017, issued by the respondent, by which, the request of the petitioner to change the name of his father has been declined. The petitioner also sought for a direction to the respondent to rectify the Death Extract Registration No.57/2016/04 dated 25.04.2016 on the basis of alteration report of the Government Hospital, Sankarankovil dated 13.11.2016 and reissue a fresh Death Certificate in the original name of the petitioner's father i.e., Peria Antony.



3. It is represented by the learned counsel appearing for the petitioner that while issuing the death certificate of the petitioner's father, the authority concerned, instead of mentioning the name of his father as 'Periya Antony', had wrongly mentioned as 'Antony'. In order to prove this, the petitioner submitted the Voter Identity Card, Aadhar Card as well as Family Card of his father, which contain the correct name as 'Periya Antony', before the hospital authority, which has been scrutinized by the hospital authority and upon satisfaction, sent an altering report to the respondent on 13.11.2016. The petitioner also submitted a representation dated 09.03.2017 to the respondent, for re-issuance of his father's death certificate, for which, the respondent replied that after issuing the certificate there is no possibility to re-issue another certificate. Aggrieved by the same, the petitioner has come before this Court with the above said prayer.

4. It is seen that the name of the petitioner's father has been inadvertently mentioned as Antony in stead of Periya Antony by the authorities, while issuing the certificate and for the fault of the respondent, the petitioner cannot be made to suffer indefinitely. Moreover, after verification of the records / documents produced by the petitioner, the hospital authority realized their mistake and issued the alteration report for suitable modification in the certificate.

5. Under such circumstances, the respondent is directed to consider the claim of the petitioner and pass necessary orders with regard to correction of the name of the petitioner's father in the death certificate, based on the documentary evidences adduced by the petitioner and also taking into consideration the alteration report submitted by the hospital authority, within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To
The Commissioner cum Registrar of Birth and Deaths
Office of the Registrar of Birth and Deaths
Sankarankovil Municipality, Tirunelveli District.
+One cc to Mr.V.Muthuvelan, Advocate, SR.No.79437
+One cc to Mr.P.Mahendran, Advocate, SR.No.79812