



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20839 of 2017

Mathumitha Ramesh

... Petitioner

-vs-

1. The Assistant Commissioner,
K.Gopalapuram Circle,
Trichy Corporation.

2. The Chief Health Officer,
The Public Health Care Department,
Trichy Municipal Corporation (Birth and Deaths)
No.58, Bharathidasan Road, Contonment,
Thiruchirapalli-620001.

... Respondents

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 of the 2nd respondent in her proceedings Ref.No.K.A.(P.E)/KA/8450/2017 dated 04.09.2017.

For Petitioner : M/s.Shabnam

For Respondents : Mr.N.S.Karthikeyan
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to quash the proceedings of the 2nd respondent dated 04.09.2017 in Ref.No.K.A.(P.E)/KA/8450/2017, rejecting the claim of the petitioner to exclude the name of the father of the child born to her.

2. Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.



3. The case of the petitioner is that her marriage with one Charan ran into a rough weather and she got separated. After divorce, she became pregnant by opting the method of Intrauterine Insemination with the help of a semen donor and delivered a female baby. At the time of her delivery, his friend, by name, Manish Madanpal Meena had accompanied her and completed all the formalities as required by the hospital. It is the further case of the petitioner that the hospital authorities, under the wrong impression that the said Manish Madanpal Meena is her husband, had made entries by mentioning his name as the father of the child. On realizing their mistake upon her representation, though the hospital had issued necessary letter with regard to the wrong entry made by them, the 2nd respondent refused to exclude the name of the father of the child on the ground stated supra. Aggrieved by the same, the petitioner is before this Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that the Revenue Divisional Officer is the competent authority under the Registration of Births and Deaths Act, 1969 for redressal of the grievance of the petitioner.

5. On hearing the above submission, the learned counsel for the petitioner has sought leave of this Court to permit the petitioner to go before the Revenue Divisional Officer for appropriate relief.

6. Though the petitioner has questioned the order of rejection in respect of correction in the birth certificate issued by the Corporation Officials, in view of her confinement of prayer, this writ petition is disposed of, granting liberty to the petitioner to approach the concerned Revenue Divisional Officer by way of a representation within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the concerned authority shall pass appropriate orders thereon within two weeks thereafter by taking into consideration the pitiable condition of the petitioner. No costs.

Sd/-

Assistant Registrar(Records)

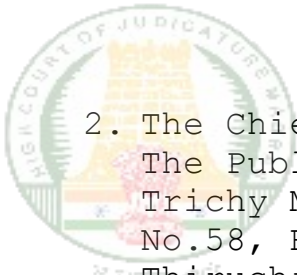
/True Copy/

Sub Assistant Registrar

To:

1. The Assistant Commissioner,
K.Gopalapuram Circle,

<https://hcservices.ecourts.gov.in/hcservices/>
Corporation.



2. The Chief Health Officer,
The Public Health Care Department,
Trichy Municipal Corporation (Birth and Deaths)
No.58, Bharathidasan Road, Contonment,
Thiruchirapalli-620001.

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+ 1 cc TO M/s.Shabnam , Advocate in SR No. 87342
+ 1 cc TO Mr.S.Karthikeyan , Advocate in SR No. 86678

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AE/SV MMS/SAR1/22.11.2017/3P/5C

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