



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU
W.P (MD) No. 24033 of 2016

WEB COPY

Muthukutti

.. Petitioner

Vs.

The Commissioner cum Registrar of Birth & 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 to issue a Writ of Certiorarified Mandamus to call for the records relating to impugned notification issued by the respondent on 11.02.2016 vide Na.Ka.No.143/2016/H1 and quash the same as illegal and consequently direct the respondent to rectify the error in birth extract vide registration No.1019/2015/04 registered on 19.10.2015 i.e., M.Navinkumar instead of Ravinkumar and issue fresh birth certificate to petitioner.

For Petitioner : Mr.V.Muthuvelan
For Respondent : Mr.P.Mahendran

ORDER

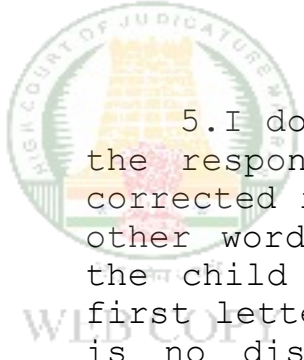
This writ petition is filed challenging the order passed by the respondent dated 11.02.2016, wherein and whereby the petitioner's request for correcting the name of her child in birth certificate as Navinkumar instead of Ravinkumar was rejected on the reason that such change cannot be made by the respondent, as it is for the petitioner to get it change by way of Gazette notification.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The case of the petitioner is that a male child was born to her through her husband, by name, Mayakkannan on 16.10.2015 and immediately the birth was registered before the respondent on 19.10.2015, wherein the name of the child was wrongly mentioned as Ravinkumar instead of Navinkumar. Therefore, the petitioner made a request on 20.01.2016 itself seeking for correction of the spelling. The said request was rejected by the impugned order.

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

4. The learned counsel appearing for the respondent submitted that the petitioner, in effect, is seeking for change in the name and not correcting the spelling in the name already entered.



5.I do not propose to accept the contention of the counsel for the respondent, considering the fact that what is sought to be corrected is only the first letter of the name from 'r' to 'ந'. In other words, the petitioner seeks for correction of the name of the child as 'Navinkumar' instead of 'Ravinkumar'. Except the first letter all other letters are sought to be retained and there is no dispute with regard to the same. Therefore, it would certainly fall within the ambit and scope of Section 15 of the Registration of Birth and Deaths Act, 1969, so as to enable the respondent himself to correct such entry. Therefore, I find that the petitioner need not be directed to effect Gazette publication, as directed in the impugned order.

6.Accordingly, the impugned order is set aside and the matter is remitted back to the respondent for correcting the name of the petitioner's child as Navinkumar instead of Ravinkumar and issue fresh certificate, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

The Commissioner cum Registrar of Birth & Deaths
O/o the Registrar of Birth and Deaths,
Sankarankovil Municipality
Tirunelveli District.

+1 cc to Mr.V.MUTHUVELAN, Advocate, SR.NO:3582

+1 cc to Mr.P.MAHENDRAN, Advocate, SR.NO:3630

W.P (MD) No.24033 of 2016
23.01.2017

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