

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018

CORAM :

THE HONOURABLE MS.JUSTICE K. KALYANASUNDARAM

W.P.No.33183 of 2013

K.Mohammed Rafi

.. Petitioner

Vs.

1. The Commissioner,
Kancheepuram Municipality,
Kanchipuram.
2. The Director,
Public Health and Preventive Medicine,
359, Anna Salai,
Teynampet,
Chennai 600 006.

..Respondents

Prayer:- Writ Petition filed under Article 224 of Constitution of India paying for issuance of a Writ of Mandamus, directing the 1st respondent to correct the name mentioned as V.K.Manikandan and change it to K.Mohammed Rafi in the birth certificate of the petitioner's son issued by the 1st respondent (registration no.417/2010/02, date of registration 18.11.2010).

For Petitioner : Mr. R. Thiagarajan

For Respondents : Mr.G.B.Rajesh for R1
Mr.B.Anand, Govt. Advocate
for R2

ORDER

Heard Mr.R.Thiagarajan, learned counsel appearing for the petitioner and Mr.G.B.Rajesh, learned counsel appearing for 1st respondent and Mr.B.Anand, learned Government Advocate appearing for 2nd respondent.

2. The petitioner has come forward with the present Writ Petition seeking issuance of a Writ of Mandamus, directing the 1st respondent to correct the name mentioned as V.K.Manikandan

and change it to K.Mohammed Rafi in the birth certificate of the petitioner's son issued by the 1st respondent.

3. The case of the petitioner is that he was a Hindu by birth and on 31.7.2006, he embraced to Islam and converted from Hindu to Muslim, due to which, he changed his name from V.K.Manikandan to K.Mohammed Rafi.

4. The petitioner would further state that on 6.8.2006, he married one F.Shahitha Sulthana and out of the lawful wed-lock, she gave birth to a son by name M.Mohammed Aarif on 29.10.2010 in Manohar General Government Hospital at Kanchipuram. The petitioner has effected a gazette notification for change of name in Tamilnadu Government Gazette No.5 on 6.2.2013.

5. The grievance of the petitioner is that in the birth certificate issued for his son M.Mohamed Arif, the name of the petitioner is mentioned as V.K.Manikandan instead of K. Mohammed Rafi. For effecting change of petitioner's name in his son's birth certificate, the petitioner has approached 1st respondent Municipality several times and gave a written representation on 30.09.2013, despite which, the authorities have not acceded to petitioner's request till date. Left with no other alternative, the petitioner has approached this court by way of writ petition.

6. Learned counsel for petitioner would submit that it would suffice, if a direction is issued to the 1st respondent to consider the representation of the petitioner.

7. Learned counsel for the 1st respondent would submit that as per section 15 of the Registration of Births and Deaths Act, 1969, the name of the parent could not be changed by relying on decision of this Court reported in the case of Eesha Kumar Vs. The Assistant Commissioner, Coimbatore City Municipal corporation and another (2011 5 CTC 620).

8. Learned counsel for the respondents would submit that the 1st respondent is ready to pass appropriate orders on the representation of the petitioner.

9. In the light of the above submissions of the learned counsel for the respondent, this Court, without going in to the merits of the case, directs the 1st respondent to pass orders on the representation of the petitioner dated 30.09.2013 on merits and in accordance with law after providing an opportunity of personal hearing to all necessary parties within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

msr

To

1. The Director,
Public Health and Preventive Medicine,
359, Anna Salai,
Teynampet, Chennai 600 006.

+1cc to Mr.G.B.Rajesh, Advocate, sr.no.27143

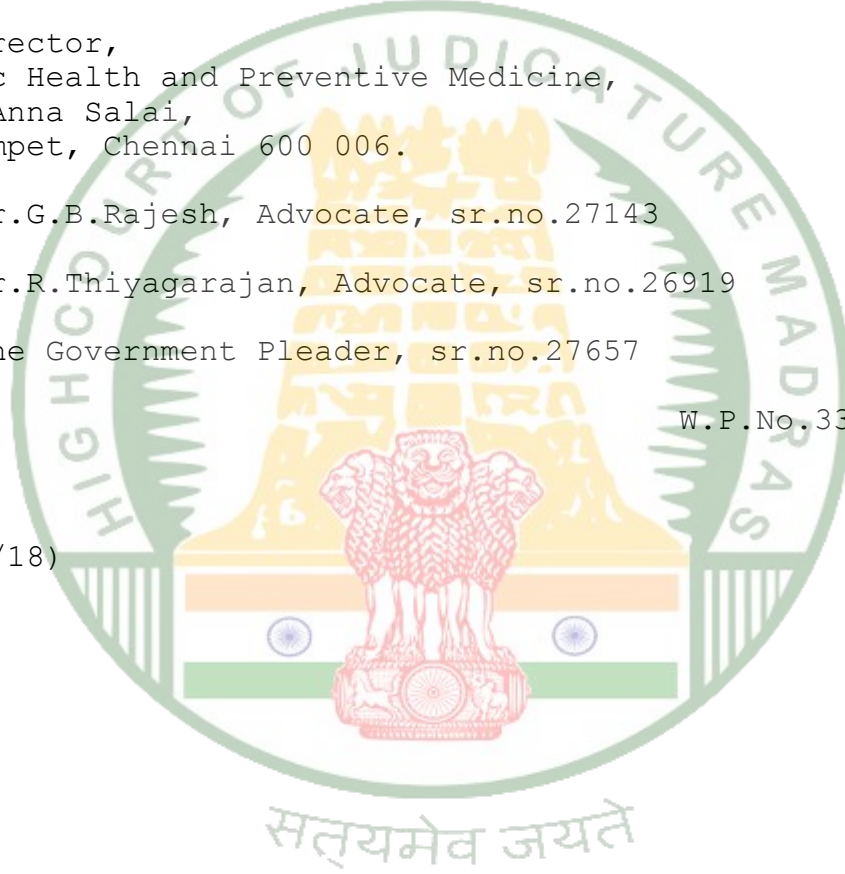
+1cc to Mr.R.Thiyagarajan, Advocate, sr.no.26919

+1cc to the Government Pleader, sr.no.27657

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