



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2018

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD) No. 1605 of 2018

WEB COPY

Pappammal

... Petitioner

-vs-

The Executive Officer,  
Sathankulam Town Panchayat,  
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to mention the Petitioner's husband original name as 'Arumugathevar' instead of 'Murugathevar' in the Death Certificate No.218 of 1997, dated 23.09.1997, in the light of the Petitioner's representation, dated 27.5.2017 and 2.8.2017.

For Petitioner : M/s.J.David Ganesan

For Respondent : Mr.Aayiram K.Selvakumar  
Additional Government Pleader

### O R D E R

The relief sought for in this Writ Petition is for a direction to direct the respondent to mention the Petitioner's husband's original name as 'Arumugathevar' instead of 'Murugathevar' in the Death Certificate No.218 of 1997, dated 23.09.1997, in the light of the Petitioner's representations, dated 27.5.2017 and 2.8.2017.

2.Mr.Aayiram K.Selvakumar,learned Additional Government Pleader takes notice for the respondent.

3.The prayer sought for in this Writ Petition is absolutely misconceived. No such prayer as such sought for in this Writ Petition can be entertained, in view of the fact that the change of name in the Birth Register or Death Register ought to have been done only by following the procedures contemplated under the Registration of Births and Deaths Act, 1969. All the registration are to be done only in accordance with the provisions of the Act and Rules, in view of the fact that these are all the permanent records to be maintained by the nation itself. Births and Deaths are the nation-wide datas to be maintained by the competent authorities for various purpose. Thus, such records are valuable one and authorities competent are bound to follow the provisions of the Act scrupulously and without there being any violations. Committing violations in this regard, is certainly an offence. It is a permanent record, which is to be treated for many purposes in this country.



4. The learned counsel for the Writ Petitioner states that the Writ Petitioner has submitted a representation to change the name. Mere submission of a representation will not constitute any legal right or cause of action for the Writ Petitioner to move this Writ Petition. So also mere submission of a representation will not confer any right on the Writ Petitioner to seek change of name of a person, who had already passed away. No doubt, the Writ Petitioner claims that she is the legally wedded wife of late Arumugathevar. However, the Death Certificate was issued in the name of one Mr. Murugathevar. All the aspects which all are to be considered only by conducting proper enquiry in accordance with law. This Court under Article 226 of the Constitution cannot issue any direction in respect of such change of names. More specifically, Registration of Births and Deaths Act, 1969 contemplates procedures. Further, the Births, Deaths and Marriages Registration Act, 1886 provides provisions for corrections of entry in the Register of Births and Deaths. More specifically, Section 28 of the Births, Deaths and Marriages Registration Act, 1886 provides correction of errors, i.e., correction of entry in the Register of Births and Deaths and the provision is extracted hereunder:

*'28. Correction of entry in register of births and deaths:--(1) if it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death if any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the State Government with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of correction.*

*(2) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made. '*

5. The authorities competent are bound to follow the procedures contemplated under the Act and Rules for the purpose of correction of errors, if any, occurred in the Birth or Death Certificates already issued. It is not as if the same can be change at the instance of the Petitioner alone. The genuinity or otherwise has to be enquired into and necessary actions are to be taken. Thus, the Writ Petitioner has not established any legal right for issuing any directions, as such sought for in this Writ Petition. It is open to the Writ Petitioner to approach the competent authorities by way of appropriate application in the prescribed format along with documents, so as to enquire into the matter by the authorities.



6. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs.

WEB COPY

Sd/-  
Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registr

To

The Executive Officer,  
Sathankulam Town Panchayat,  
Thoothukudi District.

+One cc to Mr. J. David Ganesan, Advocate, SR>No. 45312

vsn

RL/3C/3P/GT/SAR3/12/2/2018

W.P. (MD) No. 1605 of 2018

29.01.2018