



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2018

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.12963 of 2018

T.Chithra ... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Anna Memorial Building,
Madurai - 625 002.

2.The Assistant City Welfare Officer,
Corporation of Madurai,
Madurai - 625 002.

3. The Dean,
The Government Rajaji Hospital,
Madurai.

4. The Thasildar,
T.Vadipatti Taluk,
Vadipatti,
Madurai District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent vide his Proceedings in H5/02553/17 dated 23.10.2017 and quash the same as illegal and consequently direct the second respondent to change the name of the father in Birth Certificate of the petitioner's son Azhagu Gounder within time frame as fixed by this Court.

For Petitioner
For R3 & R4

: Mr.V.Muthu Samundeeswaran
: Mr.J.Padmavathi Devi
Special Government Pleader

For R1 & R2

: Mr.T.S.Mohamed Mohideen
Standing Counsel



O R D E R

The Writ Petition has been filed for issuance of Writ of Mandamus to call for the records pertaining to the impugned order passed by the second respondent vide his Proceedings in H5/02553/17 dated 23.10.2017 and quash the same as illegal and consequently direct the second respondent to change the name of the father in Birth Certificate of the petitioner's son Azhagu Gounder within time frame as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner, learned Standing Counsel appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the respondents 3 and 4.

3. The learned counsel for the petitioner submitted that the petitioner gave birth to a child on 22.09.2011 and she has requested the respondents to register the name in the Birth Certificate of her child. While forwarding the request of the petitioner/mother, the hospital authorities have wrongly noted the name of the husband of the petitioner as Senthilkumar instead of Thangaraj.

4. A perusal of the ration card issued by the Government for the period between 2005 to 2009 shows that the petitioner's husband's name is Thangaraj. But by mistake, it was recorded in the Birth Certificate as Senthilkumar. On the application filed by the petitioner, the Dean, Government Rajaji Hospital, Madurai issued a letter in M.M.No.11470/Tha Chel/16 dated 07.06.2018 stating that by mistake, the name of the petitioner's husband was wrongly entered and therefore, he requested the respondent Corporation to delete the name of the petitioner's husband already mentioned in Birth Certificate by entering the correct name. The request was rejected on the ground that on the basis of the information given by one Dr.S.S.Gayathri, the name of the petitioner's husband was registered as Senthilkumar in the record of the Corporation and therefore, there is no mistake or error on their side.

5. Admittedly, the mother/petitioner only knows the fatherhood of the child. She has filed ample proofs that she got married to one Thangaraj and the ration card issued by the respondent Corporation in the year 2005 stands testimony to the same. Because of the mistake committed by the Doctor, the petitioner shall not put to hardship. The Dean of the hospital himself by letter dated 07.06.2018 has categorically stated that it is a clerical mistake and they have entered the name of the petitioner's husband as Senthilkumar instead of Thangaraj.

6. In the circumstances, the first respondent is directed to re-consider the issue in the light of the letter given by the



third respondent dated 07.06.2018 and issue a fresh Birth Certificate in accordance with law 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 of. No costs.

Sd/
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To:

- 1.The Commissioner,Madurai Corporation,
Anna Memorial Building,Madurai - 625 002.
- 2.The Assistant City Welfare Officer,Corporation of Madurai,
Madurai - 625 002.
3. The Dean,The Government Rajaji Hospital,
Madurai.
4. The Thasildar,T.Vadipatti Taluk,
Vadipatti,Madurai District.

+1cc to Mr.T.S.MOHAMED MOHIDHEEN, Advocate, SR.No.69712
+1cc to Mr.V.MUTHUSAMUNDEESWARAN, Advocate, SR.No.69711

W.P. (MD) No.12963 of 2018
25.06.2018

CM
KK/SKN RSK/SAR-2/18.07.2018/3P-7C/