



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14608 of 2018

T.K.Rathinakumar

... Petitioner

vs.

Madurai Corporation
through its Commissioner
Anna Maligai, Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to issue a fresh birth certificate after amending the name of the father and mother of the petitioner's adopted child, namely, K.G.Lakshan, who is born on 14.08.2017, by entering his name and his wife's name T.K.Rathinakumar & T.R.Durga Devi in the column of father and mother of the child therein and also change the initial of the child as T.R. instead of K.G. by disposing the petitioner's representation, dated 23.06.2018 as accordance with law within a stipulated time.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.T.S.Mohammed Mohideen
Standing Counsel

O R D E R

Mr.T.S.Mohammed Mohideen, learned standing counsel, takes notice for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 23.06.2018 seeking for issuance of a fresh birth certificate after amending the name of the father and mother of the petitioner's adopted child, namely, K.G.Lakshan, who born on 14.08.2017, and by entering his name and his wife's name as T.K.Rathinakumar & T.R.Durga Devi in the column of father and mother of the child therein and also by changing the initial of the child as T.R. instead of K.G., has not been considered by the respondent till date and therefore, he has filed the present writ petition.



4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondent is duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of his office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct him to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondent to consider the petitioner's representation dated 23.06.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the biological parents of the child and any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To:

The Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.

+ 1 CC TO Mr.R.SURIYA NARAYANAN, ADVOCATE IN SR No. 72045
+ 1 CC TO Mr.T.S.MOHAMED MOHIDEEN, ADVOCATE IN SR No. 71862

KRK
TE/SV/SAR-4 : 16/07/2018 : 2P/4C

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