

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
Writ Petition No.17844 of 2019

Brindha

.. Petitioner

/versus/

1.The Commissioner-cum-Registrar,
Births and Deaths,
Udumalpet Municipality,
Udumalpet,
Tiruppur District.

2.Selvam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to consider the inclusion of the 2nd respondent's name as father of Minor Anushya in her Birth Certificate bearing No.BC/157/2017/0001496 by considering the representation dated 16.04.2019.

For petitioner : Mr.Govi Ganesan.K

For Respondents : Mr.B.Anand for R1

Mr.A.Parthasarathy for R2

ORDER

Heard the learned counsel for the petitioner and the learned counsels for the respondents.

2. On perusal of the affidavit filed by the petitioner herein, this Court finds the petitioner has approached this Court invoking the writ jurisdiction to carry out correction in the birth certificate of her daughter. The petitioner wants the 2nd respondent name to

be shown as the father of her daughter Minor Anushya. This request is based on the DNA report obtained by the petitioner/mother of Anushya in a criminal proceedings, which is pending as on date.

3. The 2nd respondent has objected to the relief sought by the petitioner on the ground that when the matter is pending in the criminal Court, the petitioner is attempting to create record about the parentage of the minor.

4. As far as the 1st respondent is concerned who is the authority for registration of births and deaths, would state that as per the details furnished by the petitioner at the time of child birth, entries made in the Birth Register, if any correction to be done in the Register it can be only based on the decree passed by the competent Court.

5. In view of the above dispute over the paternity, the request in the writ petition cannot be entertained. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpl

To

The Commissioner-cum-Registrar,
Births and Deaths,
Udumalpet Municipality,
Udumalpet,
Tiruppur District.

+1cc to Mr.K.Govi Ganesan. , Advocate SR.No. 71044
+1cc to Mr.A.Parthasarathy , Advocate SR.No. 70817
+1cc to Mr.A.Parthasarathy, Advocate SR.No.70817
(04/11/2019)

W.P.No.17844 of 2019

A.SK(20/09/2019)