



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.22982 of 2016

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Seenipitchai

... Petitioner

Vs.

The Commissioner,
Melur Municipality,
Melur, Madurai District.

... Respondent

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to correct the petitioner's daughter's date of birth as 07.11.1991 instead of 08.11.1991 in the birth certificate in registration No.2035 based on the petitioner's representation dated 23.09.2016.

For Petitioner : Mr.S.A.Ajmal Khan
For Respondents : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The writ petitioner claims that her daughter Ashafirthous was actually born on 07.11.1991. However, in the Birth Certificate, it was erroneously mentioned that she was born on 08.11.1991. The petitioner therefore approached the respondent for effecting correction in the Birth Certificate.

3.When the matter was taken up for hearing, the learned Standing Counsel appearing for the respondent municipality submitted that there is no possibility in changing the entry in the date of birth.

4.I am of the view that the stand of the respondent is not correct. Section 15 of the Registration of Birth and Death Act, 1969 is as follows :

"15.Correction or cancellation of entry in the register of births and deaths.-If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled correct the error or cancel the entry by suitable entry in the margin,



without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation."

5. Therefore, the respondent is very much having power to make correction in the Birth Certificate. But then, the petitioner must show to the satisfaction of the respondent that the entry was erroneously made. It is for the petitioner to satisfy the respondent by placing relevant materials in this regard. Therefore, the Commissioner, Melur Municipality is directed to issue an enquiry notice to the writ petitioner. The writ petitioner shall appear before the respondent in person. On the said date, he shall place all the relevant materials. If the respondent is satisfied that the writ petitioner's daughter's date of birth was erroneously entered, he shall make appropriate corrections.

6. This writ petition is disposed of accordingly. No costs.

sd/
Assistant Registrar(crl. side)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Melur Municipality,
Melur, Madurai District.

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