

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4540 of 2020

A.Srinivasan

... Petitioner

vs

1.The Medical Officer,
JIPMER Hospital,
Pondicherry - 605 006.

2.The Registrar of Births and Deaths,
Oulgaret Municipality,
Pondicherry 605 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the second respondent to effect corrections in the Birth Certificate of petitioners son bearing Registration No/J/2006/09734 by correcting his name as S.Sathish instead of Poongavanam pursuant to the petitioner's representation dated 27.01.2020.

For Petitioner : Mr.M.Himavanth

For Respondent : Mr.B.Nambi Selvan
Additional Government Pleader(P)

O R D E R

The petitioner seeks for a mandamus directing the second respondent to effect corrections in the Birth Certificate of the petitioner's son bearing Registration No/J/2006/09734 by correcting his name as S.Sathish instead of Poongavanam pursuant to the petitioner's representation dated 27.01.2020.

2. The case of the petitioner, in short, is as follows:

He got married with one Poonjolai on 04.11.2005 and out of their wedlock, a male child was born on 05.11.2006, who is named as S.Sathish, whose birth took place at Jipmer Hospital, Pondicherry. Only recently, the petitioner approached the second respondent and sought for issuance of birth certificate to his son

S.Satish. However, the Birth Certificate issued on 27.01.2020 wrongly shown the name of the child as 'Poongavanam' instead of 'Satish'. Therefore, the petitioner made a representation for making the correction. The said representation dated 27.01.2020 was rejected by stating that only spelling mistake can be corrected in the Birth Certificate and not other errors. Therefore, the petitioner filed the present writ petition.

3. It is seen that the reasons stated by the second respondent for not considering the petitioner's application is not in consonance with the power conferred on such Authority under Section 15 of the Registration of Birth and Death Act, 1969, wherein it is stated that if it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him 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. It is seen that under similar circumstances, this Court entertained the writ petitions in W.P(MD) No.9150 of 2015 and W.P.No.29082 of 2016 and passed orders therein on 17.06.2015 and 22.08.2016, directing the Authorities therein to consider the claim of the petitioners therein for correcting the name.

4. Accordingly, I find that the claim of the petitioner has to be considered by the second respondent in respect of the Birth Certificate of his son and pass appropriate orders on his representation dated 27.01.2020, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vri

To

1.The Medical Officer,
JIPMER Hospital,
Pondicherry - 605 006.

2.The Registrar of Births and Deaths,
Oulgaret Municipality,
Pondicherry 605 005.

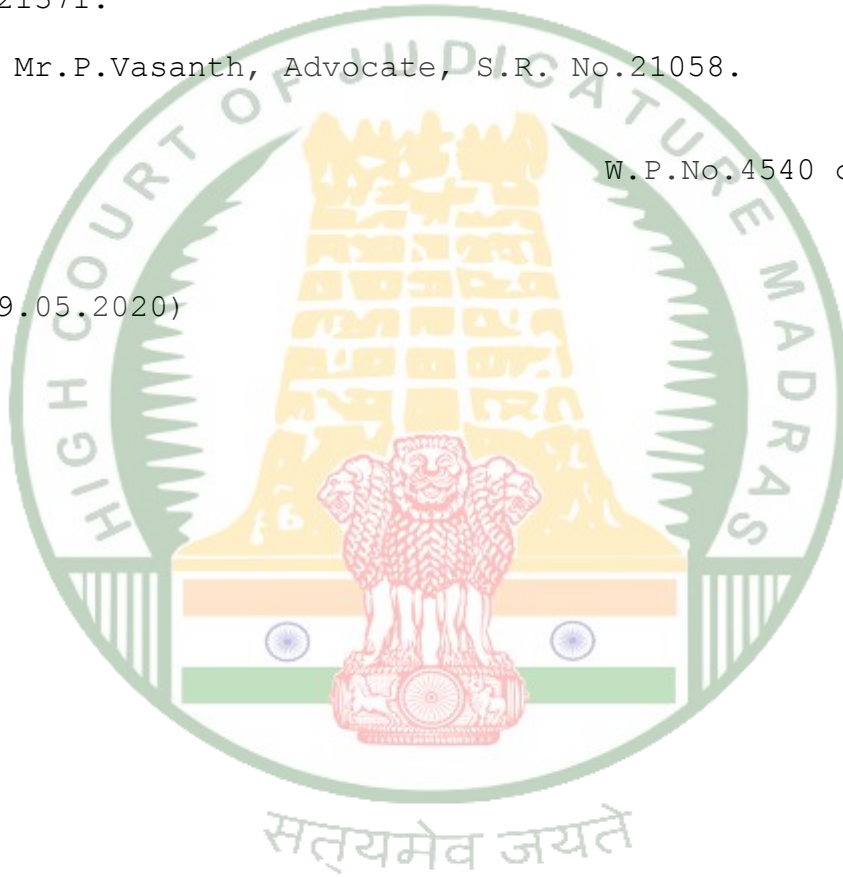
+1cc to the Government Pleader for Puducherry,
S.R.No.21371.

+1cc to Mr.P.Vasanth, Advocate, S.R. No.21058.

W.P.No.4540 of 2020

PA (CO)

VSI-2 (29.05.2020)



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