

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.14965 of 2020
(Heard through VC)

N.Maragathavalli Vidhya

... Petitioner

vs

The Registrar of Birth and Death
Oulgaret Municipality,
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to rectify the petitioner's name as "Maragathavalli Vidhya" instead of "Vidhya" in the Birth Certificates dated 14.11.2019 issued by the respondent in respect of her daughter's birth bearing registration No.J/2008/00293 dated 11.01.2008 and J/2009/10244 dated 17.09.2009 by considering her representation dated 06.01.2020 and issue fresh Birth Certificates within a time frame.

For Petitioner : Mr.R.Veeramani

For Respondent : Mr.A.V.Ramalingam
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to rectify the petitioner's name as "Maragathavalli Vidhya" instead of "Vidhya" in the Birth Certificates dated 14.11.2019 issued by the respondent in respect of her daughters birth.

2. The petitioner was born on 13.08.1979, which is evidenced by the Birth Certificate that has been produced by her, wherein her name has been entered as "Maragathavalli Vidhya". She has also completed her Bachelor's Degree from University of Madras and Master's Degree in Pondicherry University. In all her certificates right from School to College, her name has been mentioned only as "Maragathavalli Vidhya". Even in her marriage certificate also her name was mentioned as "Maragathavalli Vidhya".

3. It is stated that the petitioner has got two daughters by name Jagruti Ramesh and Aadrika Ramesh, who were born on

09.01.2008 and 10.09.2009, respectively and their births were duly reported to the office of the Registrar of Birth and Death, Oulgeret Municipality, Puducherry. However, when the birth certificates of her daughters were obtained, it was noticed that the petitioner's name has been mentioned as "Vidhya" instead of her full name "Maragathavalli Vidhya". Therefore, an application was made to the respondent on 06.01.2020 seeking rectification of the petitioner's name as "Maragathavalli Vidhya" in the place of "Vidhya". Since it was not yet corrected by the authorities, the petitioner has moved this Court

4. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

5. The learned counsel appearing for the respondent would state that as the children were born in the year 2008 and 2009, the petitioner ought to have immediately corrected the name and she has come to correct the same very late.

6. Section 15 of the Registration of Births and Deaths Act, 1969 provides for correcting of any error that has occurred or erroneous entry that has been made in certificate issued upon satisfaction of the authorities, as the same can be corrected by making suitable entry in the margin without any alteration on the original entry. Rule 11 of the Pondicherry Registration of Births and Deaths Rules, 1999 also provides correction or cancellation of entry in the register of births and deaths, which is also in consonance with Section 15 of the Act.

7. In view of the above, it is only a mistake, which has crept in, as the person who have informed the authorities has mis-spelt the name and given it as "Vidhya" instead of "Maragathavalli Vidhya".

8. In the light of the above provisions, the petitioner is directed to once again make an appropriate application before the respondent along with the documents that are filed to show that her name is only "Maragathavalli Vidhya" that it was only by mistake it has been entered as "Vidhya" in register of the Births and Deaths. Upon making such an application, the respondent is directed to conduct an appropriate enquiry after affording an opportunity of personal hearing to the petitioner and upon subject to satisfaction, issue the certificate with the corrected name.

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

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

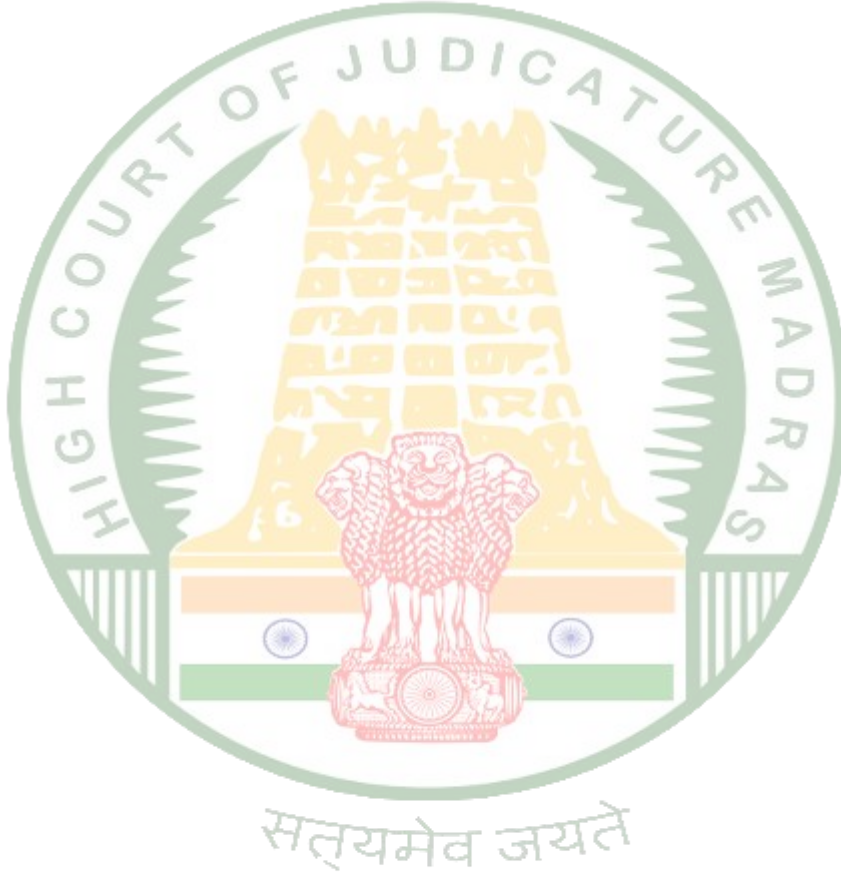
rsi
To

The Registrar of Birth and Death,
Oulgaret Municipality,
Puducherry.

+1cc to Mr.R.Veeramani, Advocate SR.No. 40652
+1 cc to Government Pleader Sr.No. 40543

W.P.No.14965 of 2020

A.SK(07.01.2021)



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