

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.25374 of 2017

V.Vadhani

...

Petitioner

Versus

1.The Commissioner,  
Corporation of Chennai,  
Chennai - 600 003.

2.The Zonal Officer,  
Zone - 7, Division - 105,  
Corporation of Chennai,  
Chennai - 600 003.

3.The Government Hospital for Women & Children,  
Rep. by its Medical Director,  
Egmore, Chennai - 600 008.  
(R3-Impleaded vide Court Order dated 06.12.2018,  
made in W.M.P.No.31280/2018 in  
W.P.No.25374/2017).

4. The Registrar of Births and Deaths,  
Corporation of Chennai,  
Ripon Building,  
Chennai - 600 003.

(Suo-motu impleaded vide order of this  
Court dated 05.06.2020 in W.P.No.25374/2017.)

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to change the petitioner name (mother's name) as Vadhani instead of Soosimary in her son's birth certificate based on her representation dated 12.09.2017 and direct the respondents to issue corrected birth certificate after changes are made in service register in a time frame.

For Petitioner : Mr.R.Ramachandran

For R1 & R2 : Mr.C.Anantharangan

For R3 : Mr.V.Shanmugasundar,  
Special Government Pleader

## O R D E R

This Writ Petition has been filed for issuance of writ of Mandamus directing the respondents to change the petitioner name (mother's name) as Vadhani instead of Soosimary in her son's birth certificate based on her representation dated 12.09.2017 and direct the respondents to issue corrected birth certificate after changes are made in service register.

2. The petitioner's son was born in Women's & Children Hospital, Egmore, Chennai on 20.06.2001 and he was named as C.V.Chandrasekar and the Corporation of Chennai was also duly intimated on 04.07.2001. The name of the petitioner is Mrs.V.Vadhani, W/o.Velmurugan, whereas in the Birth Certificate her name has been entered as Soosimary. Though the petitioner claims to have approached the respondents immediately with an application form to change her name in her son's Birth Certificate, the same ended up in vain. The petitioner also has given a representation on 12.09.2017 to the first and second respondents along with the related documents and ready to pay the necessary charges for name change as per the Tamil Nadu Registration of Births and Deaths Rules, 2000. As there was no response, the above writ petition has been filed.

3. Heard both sides.

4. The prayer of the petitioner can be heeded to by following the provisions under the Registration of Births and Deaths Act, 1969 r/w. Tamil Nadu Registration of Births and Deaths Rules, 2000. The relevant portion is extracted hereunder:

"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. The aforesaid provision indicates that the Registrar for Births and Deaths is the competent authority for carrying out such errors, which had crept in inadvertence in the birth certificate. Unfortunately, the Registrar of Births and Deaths has not been made as a party in this writ petition. Therefore,

this Court suo-motu impleads the Registrar of Births and Deaths as the fourth respondent in this writ petition.

6. In the counter affidavit filed by the second respondent, the Zonal Officer, Greater Chennai Corporation, it is stated in paragraph 5 as follows:

"I respectfully submit that as a Institutional Birth for making correction in Birth Certificate the petitioner has to furnish an application along with the following documentary evidences.

- 1) Amendment letter from the Institution where the child was born (sic).
- 2) A sworn affidavit from the applicant stating that the facts.
- 3) Supportive evidences/certificate issued from the responsible authority.

In this case the petitioner has not submitted any application with supporting documents requesting to make corrections of her (petitioner's) name in Birth Certificate."

7. In view of the above, the petitioner is directed to furnish the relevant documents as indicated above to the Registrar of Births and Deaths and any other documents that may be required for the said purpose. The petitioner is also directed to submit all the relevant documents within a period of two weeks from the date of receipt of a copy of this order and the fourth respondent/Registrar of Births and Deaths is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks thereafter. It is open to the parties to resort to Electronic Mode for exchange of any communication or furnish the documents in view of the lock down situation including the production of a copy of this order. It is also open to the parties to approach the authorities personally.

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

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,  
Corporation of Chennai,  
Chennai - 600 003.

2.The Zonal Officer,  
Zone - 7, Division - 105,  
Corporation of Chennai,  
Chennai - 600 003.

3.The Medical Director,  
The Government Hospital for Women & Children,  
Egmore, Chennai - 600 008.

4. The Registrar of Births and Deaths,  
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W.P.No.25374 of 2017

RSV(CO)  
GN(31/07/2020)



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