



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD)No.8346 of 2017

D.Sambath

... Petitioner

Vs.

The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in Na.Ka.No.H9/8686/2014 (Maiyam) dated 05.01.2017 and quash the same and consequently direct the respondent to issue fresh birth certificate to the petitioner for his daughter viz., S.Diviya by amending the petitioner name in his daughter's birth certificate as "D.Sambath" on the basis of the petitioner's representation date 23.11.2016.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.N.S.Karthikeyan
Standing Counsel**ORDER**

Heard Mr.M.P.Senthil, learned counsel for the petitioner and Mr.N.S.Karthikeyan, learned Standing Counsel for the respondent Corporation.

2. The petitioner wants correction to be effected in the birth certificate of his daughter S.Diviya. The petitioner's request was rejected by the impugned order dated 05.01.2017. The same is put to challenge in this writ petition.

3. The request of the petitioner is very strongly and vehemently opposed by the learned Standing Counsel for the respondent. The learned Standing Counsel states that the petitioner had already approached the respondent and at his request, correction was made and he is vexing the corporation by successive requests.

4. I carefully considered the materials on record. There is no dispute that the petitioner is the father of S.Diviya, who was born on 28.01.1991. In the original birth certificate, the petitioner's name was mentioned as D.Durai Sambath. The petitioner later changed his name as D.Sambath. The same was also duly published in the Tamil Nadu Gazette No.33, dated 17.08.2016. Thereafter, the petitioner approached the respondent Corporation with an application dated 31.08.2016. The petitioner had specifically requested that his name should be entered as D.Sambath instead of D.Durai Sambath. But it appears that the concerned authority had misconstrued the petitioner's request. Hence in the revised birth certificate the petitioner's name appears as D.Durai



Sambath Alias D.Sambath. That has necessitated the filing of this writ petition.

5. I am fully satisfied that the petitioner's request in his application dated 31.08.2016 is clear, categorical and unambiguous. It is the concerned authority of the respondent Corporation, who had understood it wrongly. Therefore, the petitioner cannot be blamed for making one more request for effecting correction in the revised birth certificate.

6. The petitioner's counsel relies on the judgment of this Court in W.P.No.40691 of 2015 **[Madhu Jayanthi vs. The Commissioner, Salem Municipal Corporation and another]** dated 11.02.2016, in which a learned Judge of this Court held that following the name change in Government Gazette, the concerned authority can be very well directed to issue birth certificate. In fact, the learned Judge had referred to an earlier order dated 14.09.2007 in W.P.No.296 of 2007.

7. Following the aforesaid judgment, I quash the impugned order and direct the respondent to issue birth certificate as sought for by the writ petitioner. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order and the respondent shall issue revised birth certificate to the petitioner.

8. This writ petition stands allowed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner,
Tiruchirapalli City Corporation, Tiruchirapalli.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-13164[F] dated 20/07/2020)

W.P. (MD) No.8346 of 2017

17.07.2020