



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 1558 of 2017

A.Raja

... Petitioner

Vs

1.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

2.The Welfare Officer,
Thoothukudi Municipal Corporation,
Thoothukudi.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceedings of the 2nd respondent in Na.Ka.No.H2/5474/2016 signed on 05.01.2017 and quash the same and consequently direct the 1st and 2nd respondents to change the petitioner's name as "A.Raja" instead of "Thomas Lenin Jacob" on the birth certificate issued by the 1st respondent vide Registration No.197/1997/01 in connection with the brith of the petitioner's son Peterleo.

For Petitioner : Mr.R.Anand

For Respondents : Mr.S.Saji Bino

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the corporation.

2.The petitioner seeks change of his name in the birth certificate of his children.

3.The learned standing counsel states that the certificates were issued several years ago and that the only remedy open to the



petitioner is to move the jurisdictional Civil Court.

4.I carefully went through the materials on record and also considered the respective contentions. It is seen that the petitioner is employed in Tamilnadu State Transport Corporation. The petitioner was originally known as "Thomas Lenin Jacob". However in the year 1994, the petitioner reconverted to Hinduism and renamed himself as "A.Raja". He has also enclosed a copy of the gazette notification dated 26.09.1994 in the typed set of papers. The petitioner got married to one Maria Antony Latha and begot two children namely., Peter Leo and Antony Louis. Peter Leo was born on 20.04.1997 while Antony Louis was born on 09.03.1999. In both the birth certificates, the name of the petitioner has been mentioned as "Thomas Lenin Jacob". All that the petitioner wants is correction of his name in the said birth certificates.

5.As per Section 15 of Taminadu Registration of Births and Deaths Act, 1969, any erroneous entry in the register can be corrected provided the same is proved to the satisfaction of the Registrar.

6.In the case of hand, the petitioner has placed convincing materials to indicate that his name was changed as "A.Raja" in the year 1994 itself. It appears that his earlier name was erroneously reflected in the hospital record and that is why the same error occurred in the birth register also. I am of the view that interest of justice requires that the error is corrected. If it is not corrected, the petitioner's children may face difficulties. In this view of the matter, the order impugned in this writ petition is quashed, the respondents are directed to make the necessary changes in the birth register. The respondents shall also issue revised birth certificates after carrying out the necessary corrections. The entire exercise shall be concluded within a period of eight weeks after the lockdown is totally lifted.

7.The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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

1. The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.
2. The Welfare Officer,
Thoothukudi Municipal Corporation,
Thoothukudi.

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