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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 16554 of 2021 and
WMP Nos.17522 and 17523 of 2021

A.H.Abdul Shafi

... Petitioner

Vs.

1. The Home Secretary of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner, Greater Chennai Corporation,
Rippon Building, EVR Salai, Chennai 600 003.
3. The Deputy Commissioner (Health),
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
4. The Special Officer,
Greater Chennai Corporation,
Ripon Building, EVR Salai, Chennai 600 003.
5. Vigilance Officer, Vigilance Cell,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
6. A.S.Yasmeen
7. Mohamed Iliyas

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Certiorarified Mandamus to call for the records in impugned birth certificates registration No.COC/2007/06/86A/ 007927/0 dated 12.10.2007 and birth certificate registration No.COC/2009/06/088/00341/0 dated 30.10.2009 issued by the Greater Chennai Corporation highlighting the name of the 7th respondent i.e. M.Mohamed Iliyas and quash the same and consequently, direct the 5th respondent to investigate the same.



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For Petitioner : Ms. Shaikh Mehrunisa
For Respondents : Mr. Stalin Abhimanyu, Govt. Counsel
for R1
Mr. P. Manoj Kumar for R3 to R5

O R D E R

Mr. Stalin Abhimanyu, learned Government counsel takes notice for the first respondent. Mr. P. Manoj Kumar, learned counsel takes notice for the respondents 3 to 5.

2. According to the petitioner, he married the sixth respondent on 05.11.2006 as per the rites and customs of Shariah Muslim Law. Out of the said wedlock, two female children by names A.S. Thoufiqa Anjum and Tamana Anjum, were born on 09.10.2007 and 29.10.2009 respectively. Thereafter, due to family dispute, they got separated, the petitioner got remarried on 07.08.2017 and one girl child was born on 20.04.2019. While registering the date of birth of his third child, the petitioner found that in the birth certificates of his elder two daughters, instead of his name (biological father), one M. Mohamed Iliyas / seventh respondent name was mentioned, who is currently living with the sixth respondent. Feeling aggrieved, he made representations dated 19.06.2021 to the respondent authorities to make necessary correction in the birth certificates with respect to the name of the father. However, no action was taken on the same. Hence, the petitioner has filed this writ petition to quash the birth certificates issued in favour of his elder two daughters and consequently, direct the fifth respondent to investigate the same.

3. This Court is of the view that the relief sought in this writ petition cannot be straight away granted under Article 226 of the Constitution of India and it is for the petitioner to approach the competent civil court, which can decide the same, after analysing the oral and documentary evidence placed before it.

4. With the aforesaid observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar



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To

1. The Home Secretary of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner, Greater Chennai Corporation,
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4. The Special Officer,
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W.P.No.16554 of 2021

NR (CO)
PR (24/09/2021)