

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18958 of 2014

and

M.P.No.1 of 2014

Mr. Vasanth Prabhu
24/1, 1st Cross Street,
Minor Trustpuram
Kodambakkam,
Chennai - 600 024.

... Petitioner

-vs-

1. The Secretary
Health Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The Commissioner
Corporation of Chennai,
Ribbon Building,
No.1131, EVR Periyar Salai,
Park Town Egmore, Chennai.

3. The Health Officer,
Corporation of Chennai,
Ribbon Building,
No.1131, EVR Periyar Salai,
Park Town Egmore, Chennai.

4. The Zonal Health Officer,
Zone - X Corporation of Chennai,
117, N.S.K.Salai,
Kodambakkam, Chennai - 600 024.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus to quash the impugned letter dated 18.06.2014 in Z.O.X HDC No.1170 of 2014 passed by the 4th respondent in pursuant of Tamil Nadu Chief Registrar vide based on the letter followed by the 1st respondent in vide C.C.85876/SBH-1/S1/2001 dated 18.07.2001 and direct the 3rd respondent to correct the petitioner son's name as V.Abhinav Prabhu instead of V. Ganesh Subramaniam in the birth extract

issued by the corporation of chennai on 19.06.2009 in registration No.2006/08/120/000186.

For Petitioner : Mr.David Tyagaraj

For Respondents: Mr.K.M.D.Muhilan
Government Advocate for R1
Mr.R.Gopinath for R2 to R4

O R D E R

The relief sought for in the present writ petition is to quash the impugned order dated 18.06.2014 and correct the petitioner's son's name as V.Abhinav Prabhu instead of V.Ganesh Subramaniam.

2. The grievance of the writ petitioner is that the petitioner has changed the son's name as V.Abhinav Prabhu by publishing the change of name in the Tamil Nadu Gazette. Based on the change of name effected through Tamil Nadu Gazette, the petitioner filed an application to change the name in the Birth Certificate issued by the Chennai Corporation. However, the Chennai Corporation rejected the application stating that there is no provision to change the name in the Birth Certificate. Thus, the petitioner is constrained to move the present writ petition. Change of name made through publication in Tamil Nadu Gazette will have prospective effect and cannot be implemented retrospectively so as to record the changed name in the Birth Certificate or in any other certificate issued prior to the publication of change of name in the Tamil Nadu Government Gazette.

3. As rightly pointed out by the learned counsel appearing for respondent Corporation, the Birth Certificate is issued as proof of birth and not relatable to the name or change of name. Even otherwise, any changed name will have prospective effect and in the event of submitting any subsequent application before any authority after effecting change of name, the petitioner is bound to submit the Birth Certificate as well as the copy of the Tamil Nadu Gazette, wherein the change of name is effected so that it can be noticed. Till such time the Gazette notification is made, the name of the petitioner will be Mr.V.Ganesh Subramaniam and after changing the name, he will be known as V.Abhinav Prabhu. This being the procedure to be followed, there is no infirmity in the order impugned in this writ petition. The position is made clear in the circular No.85876/SBH-1/S1/2001 dated 18.07.2001 issued by the Tamil Nadu Chief Registrar (Birth and Death) cum Director of Public Health and Preventive Medicine and the relevant portion reads as follows:

"...It is to be informed that frequent clarifications are sought for from this office by the Municipal Commissioners for changing the names of the child or parents in the Birth Registers/Certificates due to subsequent changes notified through the Government Gazette.

In this Connection, it is to be informed that if the name is changed for any reason subsequently to the date of birth for which a Gazette Notification has been obtained, both the birth certificate and the Gazette Notification are to be used for all purposes as a proof of date of birth (birth certificate) and as a proof of name (Gazette notification) respectively..."

4. This writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

MAYA/RAP

To

1. The Secretary
Health Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
2. The Commissioner
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3. The Health Officer,
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4. The Zonal Health Officer,
Zone - X Corporation of Chennai,
117, N.S.K.Salai,
Kodambakkam, Chennai - 600 024.

+2cc to Mr.David Tyagaraj, Advocate, S.R.No.53669
+1cc to the Government Pleader, S.R.No.53519

W.P. No.18958 of 2014

KSM(CO)
GN(01/11/2021)