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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 24319 of 2021

G.Lakshmi Preya

... Petitioner

-vs-

1. The Commissioner
Avadi Municipality,
Avadi, Chennai - 600 054.

2. The Registrar of Births and Deaths,
Avadi Municipality,
Avadi, Chennai - 600 054.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of mandamus directing the respondents to correct the entries in petitioner's birth certificate with regards to the spelling of petitioner's name which has been mentioned as S.Lakshmi Priya instead of "G.Lakshmi Preya" and name of petitioner's father mentioned as Sasidara instead of "Sudhakar" by considering petitioner's representation dated 22.09.2021.

For Petitioner : Ms.S.R.Varun Karthik

For Respondents : Mr.P.Srinivas
Standing counsel

O R D E R

The prayer sought for herein is for writ of mandamus directing the respondents to correct the entries in petitioner's birth certificate with regards to the spelling of petitioner's name which has been mentioned as "S.Lakshmi Priya" instead of "G.Lakshmi Preya" and name of petitioner's father mentioned as Sasidara instead of "Sudhakar" by considering petitioner's representation dated 22.09.2021.

2. It is the case of the petitioner that, the petitioner is an engineering graduate and was employed at a company. She



claimed that she was born out of the wedlock between the mother of the petitioner one Rani and father Sudhakar, at Sir Ivan Stedford Hospital, Chennai on 17.11.1994.

3. At the time of the birth of the petitioner, her elderly uneducated aunt namely Gurudayal Kaur, who is no more now, had orally given details of the name of the father of the petitioner to the respective authorities for the purpose of obtaining the Birth Certificate.

4. Pursuant to the said event, Birth Certificate was issued by Avadi Municipality, in Reg.No.1386. However, based on the information said to have been supplied by the late aunt of the petitioner, the name of the petitioner in the Birth Certificate has been mentioned as "S.Lakshmi Priya" instead of "G.Lakshmi Preya" and the name of the father of the petitioner has been mentioned as "Sasidara" instead of "Sudhakar".

5. However, in respect of the School Certificate and all other ID Proofs issued by various Authorities to the petitioner, the name of the petitioner has been mentioned as "G.Lakshmi Preya" and the name of the father of petitioner has been mentioned as "Sudhakar" except the Birth Certificate issued by the respondent corporation. Therefore, in order to rectify the same, representation has been given on 22.09.2021 and since the said representation was not considered, the petitioner has approached this Court by way of the present writ petition.

6. Heard Mr.S.R.Varun Karthik, learned counsel for the petitioner, who, after reiterating the aforesaid facts seeks indulgence of this Court.

7. Heard Mr.P.Srinivas, learned Standing counsel appearing for the respondent Corporation, who, on instructions would submit that in so far as the change of the spelling of the name of the petitioner is concerned there could be no impediment for the respondent Municipality. However, insofar as the change of the name of the father of the petitioner is concerned, the decision can be taken by the respondent Municipality only after having an enquiry to that effect as contemplated under the provisions of the Act governing the respondent Municipality. Therefore, the learned Standing counsel would submit that, after conducting such an enquiry, final decision would be taken on the representation given by the petitioner.

8. Having considered the submissions made by the learned counsel for both parties and taking into account the factual matrix as projected by both sides, this Court is inclined to dispose of this writ petition with the following order:



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"That there shall be a direction to the respondent Corporation to consider the representation dated 22.09.2021 and decide the same on merits and in accordance with law after conduct an enquiry as desired by them and pass final orders within a period of four weeks from the date of receipt of copy of this order."

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

RAP/KST

To

1. The Commissioner
Avadi Municipality,
Avadi, Chennai - 600 054.
2. The Registrar of Births and Deaths,
Avadi Municipality,
Avadi, Chennai - 600 054.

+3ccs to Mr.S.R.Varun Karthik, Advocate, S.R.No.62338

+1cc to Mr.P.Srinivas, Advocate, S.R.No.62563

W.P. No. 24319 of 2021

GSM(CO)
SU(06/01/2022)