



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.18211 of 2021

and

W.M.P(MD) .No.15049 of 2021

WEB COPY

Mrs.Vidhya

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai-20.

2.The Assistant City Welfare Officer,
Madurai Corporation,
Madurai-20.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Letter No.Mapa3/002897/2021 dated 25.02.2021 and quash the same as arbitrary and illegal and consequently directing the respondents to make necessary corrections in the Birth Certificate of petitioner's son P.Prathiknan registered under Registration No.590/2007/01 dated 28.08.2007 by changing the initial of Prathiknan as P.Prathiknan instead of C.Prathiknan and the name of the father as Prem Anand instead of Chandrasekar and issue a fresh Birth Certificate after recording necessary corrections in the Birth Register pertaining to the birth of the petitioner's son.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.P.Athimoola Pandian

ORDER

This is a Writ Petition in which, unfortunately, this Court cannot pass any orders. The Writ Petition has been filed by Mrs.Vidhya, wife of Prem Anand aged about 30 years. She stated that her son P.Prathiknan was born on 24.08.2007 in a hospital at Madurai. Birth Certificate had been issued immediately thereafter, wherein, the name of the petitioner was given as ச.வித்யா and the name of the father was given as சொ.சந்திரசேகர். It is clear that the name of the petitioner followed the name of her husband. Thereafter, the petitioner has sought the name of the father of her son to be changed to Prem Anand. In this regard, representations have been given and the respondents / the Commissioner, Madurai Corporation and the Assistant City Welfare Officer, Madurai Corporation have rejected to carry out such amendments.



2. Mr.P.Athimoolapandian, learned counsel, takes notice for respondents 1 and 2.

3. It is the contention of the learned counsel for the petitioner that the provision under which the said order which is now impugned has been passed is not proper and it relates to only correcting clerical errors. However, now, the entire name of the father requires to be revisited and such can be done only on evidence and it is not for this Court to verify whether the documents presented here are true or admissible or had been proved as genuine. These are issues which can only be taken by a civil Court. Inquiry conducted by the respondent would also not be of any advantage since such inquiry cannot establish the name of the father of the particular individual.

4. In view of these facts, this Writ Petition is dismissed. However, the petitioner may approach competent Civil Court to address the grievances raised by her in the Writ Petition. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,
Madurai Corporation,
Madurai-20.

2.The Assistant City Welfare Officer,
Madurai Corporation,
Madurai-20.

W.P (MD) No.18211 of 2021
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