



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19152 of 2021

J.Arockia Mary

... Petitioner

Vs.

The Registrar of Birth and Death,
Perungudi Part I,
Radhapuram Taluk,
Tirunelveli District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue corrected birth certificate of the petitioner's son by entering the name of the petitioner's son namely "Johnsin Abishek" and correcting the name of the petitioner's husband as "John Deliver" in the birth certificate bearing Registration No.288/2006 dated 21.06.2006 based on the petitioner's representation dated 19.10.2020.

For Petitioner

: Mr.R.J.Karthick

For Respondent

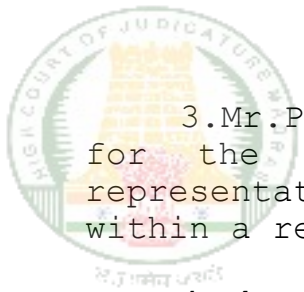
: Mr.P.Subbaraj

Counsel for State

ORDER

The petitioner seeks a direction for corrections in the birth certificate pertaining to her son, Johnsin Abishek, by entering the child's name therein and correcting the name of the petitioner's husband and the father of the child as "John Deliver".

2.The petitioner states that she married John Deliver in the year 2005. A male child, namely, Johnsin Aishek, was born to the petitioner and her husband on 18.06.2006. According to the petitioner, the hospital-in-charge wrongly recorded her husband's name as "F.Mahesh". Consequently, the birth certificate issued on 26.11.2012 wrongly mentions the name of the father as "Mahesh". As regards the name of the child, it is stated that the name was not entered in the birth certificate since the child had not been named as on the date of birth. After submitting a representation dated 19.10.2020, the present writ petition is filed.



3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for the sole respondent. He submits that the petitioner's representation may be directed to be considered and disposed of within a reasonable time frame.

4.The petitioner has enclosed the passport indicating the name of her husband. In addition, the petitioner has enclosed the Voter Id card of the petitioner, the Aadhaar card of the petitioner's son and the petitioner's husband as also the family ration card. The Registration of Births and Deaths Act, 1969, enables corrections in the register of births and deaths if entries are erroneous in form or substance or if such entries are made fraudulently or improperly. In addition, Rule 10(1)(a) of the Tamil Nadu Births and Deaths Registration Rules, 1977, mandates the entry of the name of the child whose birth is being registered. Correction of clerical and other errors are also provided for under Rule 11(1). As such, the petitioner has made out a case for the consideration of the representation.

5.Accordingly, W.P.(MD).No.19152 of 2021 is disposed of by directing the respondent to consider the petitioner's representation dated 19.10.2020 and dispose of the same by issuing the corrected birth certificate or by issuing a reasoned communication indicating the reasons for refusal to do so. In either case, the entire process shall be concluded within a period of two (2) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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

The Registrar of Birth and Death,
Perungudi Part I,
Radhapuram Taluk,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.SPL.GP (SR-33192[F] dated 29/10/2021)

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28.10.2021

TP (CO)

KB(12.11.2021) 3P 3C