



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD) No.20619 of 2018

WEB COPY

RA.Raghul

.. Petitioner

Vs

The Commissioner,
Corporation of Madurai,
Madurai.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 18.08.2018 and issue the birth certificate to the petitioner in the name of RA.Raghul by making an appropriate correction in the respondent's Corporation Birth Register in respect of the petitioner's Registration No.555 by deleting the name of Vishnu.

For Petitioner	: Mr.V.R.Venkatesan
For Respondents	: Mr.T.S.Mohamed Mohideen Standing Counsel

ORDER

The petitioner has come with this writ petition seeking a mandamus, directing the respondent to consider the petitioner's representation dated 18.08.2018 and issue the birth certificate to the petitioner in the name of RA.Raghul by making an appropriate correction in the respondent's Corporation Birth Register in respect of the petitioner's Registration No.555 by deleting the name of Vishnu.

2.Notice was ordered in this writ petition and on behalf of the respondent Corporation, Mr.T.S.Mohammed Mohideen, learned Standing Counsel appeared and filed a counter affidavit.

3.The learned Standing Counsel for the respondent Corporation would draw the attention of this Court to paragraph Nos.4 and 5 of the counter affidavit, which read as follows:

4. As per the records following the instructions given by Booma Nursing Home on 26.09.1995 the petitioner's birth was registered in (Registration No.555) on 28.09.1995. The petitioner's father received the unnamed birth certificate of the petitioner on 29.11.1995 and he had recorded the petitioner name as



Vishnu on 23.11.1995 and signed on 24.11.1995. Now the petitioner has come out with a case to change his name as Ra.Raghul. The petitioner's name cannot be changed as per Section 15 of Birth and Death Registration Act, 1969.

5.The petitioner had filed a case in the name of Ra.Raghul, S/o.V.Rajendran. When the petitioner's father with a birth certificate of Mr.Vishnu. Therefore, the petitioner now cannot claim himself as Raghul, S/o. V.Rajendran by showing the School Leaving Certificates, Course certificate and other certificates mentioned in para 3 of the affidavit.

4.The learned Standing Counsel submits that in view of the above averments, the request of the petitioner could not be complied with.

5.Though Mr.V.R.Venkatesan, learned Counsel appearing for the petitioner would attempt to argue that it is a simple change of entry in the name since, the name Raghul has been entered in all the school certificates, such an argument may not be correct, in view of the averments extracted supra that in view of the corporation Register that the petitioner's father had signed at the time of birth of the petitioner indicating the name of the petitioner as Vishnu.

6.Therefore, it is not open to the petitioner to simply change the entry of the name by inviting a direction from this Court. However, it is always open to the petitioner to approach the appropriate legal forum for effecting change of entry in a manner known to law. It is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and seek a direction of this nature.

7.This Court also will not act merely on the basis of self serving averments of the petitioner and issue a direction as prayed for by the petitioner in this writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



DSK

+1 CC to MR.T.S.MOHAMED MOHIDEEN, Advocate (SR-3614[F] dated 05/02/2021)

+1 CC to MR.V.R.VENKATESAN, Advocate (SR-3651[F] dated 08/02/2021)

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