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26.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 21778 of 2022

**Kamal Kumar Gangwal
-versus
State of West Bengal & Ors.**

**Mr. Jishnu Choudhury,
Mr. Aritra Basu,
Mr. Abhishek Jain.
...For the Petitioner.**

**Mr. Anand Farmania,
Ms. Molly Das.
...For KMC.**

**Mr. Susovan Sengupta,
Mr. Subir Pal.
...For the State.**

The petitioner is aggrieved by the act on the part of the Kolkata Municipal Corporation in issuing the Birth Certificate in the name of the son of the petitioner by incorporating the surname 'Jain'.

All the documents of the petitioner including the Birth Certificate issued by the clinic where the son of the petitioner was born record the name of the father and the mother of the child as Mr. Kamal Kumar Gangwal and Mrs. Neena Gangwal.

The Birth Certificate issued by the Kolkata Municipal Corporation records the surname of the petitioner, his wife and his son as 'Jain' instead of 'Gangwal'.

All the educational documents, Aadhaar Card and Voter Card of the son of the petitioner contain the surname 'Gangwal'.

In view of the discrepancy in the Birth Certificate issued by the Kolkata Municipal Corporation and the other documents of the son of the petitioner, he is facing problem overseas where he is presently doing a job.

The petitioner prays for a direction upon the Kolkata Municipal Corporation to rectify the error in the Birth Certificate of his son.

Section 455 of the Kolkata Municipal Corporation Act, 1980 lays down the provisions following which the correction of errors in the register of births and deaths are made by the Kolkata Municipal Corporation.

The petitioner will be at liberty to take steps in accordance with the aforesaid provision.

In the event the petitioner is able to submit the documents as required in the aforesaid provision, the Municipal Commissioner or his delegate is directed to take steps to correct the error strictly in accordance with law at the earliest, but positively within a period of four weeks from the date of submission of all the documents.

If any further document is required from the petitioner, the same shall be intimated to him so that the petitioner is able to provide the papers which are wanting for effecting the correction in the register.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)