



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.NO.13491 OF 2022

Minor.R.Narayanasami
Rep.by his father as Natural Guardian
Mr.C.Ravichandran

... Petitioner

Versus

1. The Registrar,
(Birth and Death Registration),
Kunnathur,
Tiruppur District.
2. The Executive Officer,
Kunnathur Town Panchayat,
Tiruppur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of order dated 18.04.2022 in proceedings Na.Ka.No.32/2022 on the file of the 2nd respondent and quash the same and directed the 2nd respondent to amend the name of the petitioner's father as C.Ravichandran instead of C.Ravi in the birth certificate bearing Registration No.235/2007.

For Petitioner : Mr.K.Myilsamy
For Respondents: Mr.T.Venkatesh Kumar
SGP

ORDER

This writ petition has been filed challenging the order dated 18.04.2022 passed by the second respondent rejecting the petitioner's application, requesting for rectification of mistake in the Birth Certificate of his son R.Narayanasami, who was born on 04.05.2007.

2. In the Birth certificate, according to the petitioner, his name has been wrongly mentioned as " C.Ravi", instead of " C.Ravichandran". The petitioner has sought for rectification,



which has been rejected under the impugned order. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and also on the ground it is a non-speaking order. It is also contended that the contentions of the petitioner which are raised in this writ petition supported by documentary evidence were not considered by the second respondent under the impugned order.

3. Admittedly, no opportunity of hearing was granted to the petitioner by the second respondent before passing of the impugned order rejecting the petitioner's request, seeking for rectification of birth certificate to incorporate the correct name of the petitioner. The contentions of the petitioner as raised in this writ petition have not been considered by the second respondent under the impugned order.

4. Being a non-speaking order with regard to the contentions raised by the petitioner in this writ petition and the order being passed in violation of the principles of natural justice, this Court is of the considered view that the impugned order passed by the second respondent has to be necessarily quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing and also permitting the petitioner to produce all the relevant documents/records in order to substantiate his claim for rectification of birth certificate earlier issued in favour of his son Minor R.Narayanasami.

5. For the foregoing reasons, the impugned order dated 18.04.2022 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permitting him to produce all the relevant documents/records in support of his claim. The second respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

sr

Sub Assistant Registrar



To

1. The Registrar,
(Birth and Death Registration),
Kunnathur,
Tiruppur District.
2. The Executive Officer,
Kunnathur Town Panchayat,
Tiruppur District.

+1cc to Mr.K.Myilsamy, Advocate, S.R.No.35145
+1cc to the Government Pleader, S.R.No.35341

W.P No.13491 of 2022

PL (CO)
PM/29/06/2022