



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.8261 of 2022

M.Balachandar

... Petitioner

Vs.

1.The Registrar,
Birth and Death,
Government Hospital,
Ramanathapuram District.

2.Vidhya Malar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to delete the petitioner's name specified as "Balachandar" in the third right column described as "Name of Father" from the birth certificate of Devdharsan issued in Registration Number B-2019:33-16101-000048 and intimate the same to the petitioner at once.

For Petitioner

: Mr.K.Muthumalai

For Respondent No.1

: Mr.D.Sasikumar

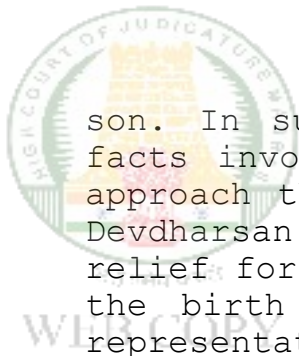
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus to direct the respondents to delete the petitioner's name specified as "Balachandar" in the third right column described as "Name of Father" from the birth certificate of Devdharsan issued in Registration Number B-2019:33-16101-000048.

2.According to the petitioner, he was earlier married to the second respondent which ended in divorce, pursuant to a divorce decree granted by the Family Court in H.M.O.P. No.98 of 2018 on 14.12.2018, passed by the learned Sub Judge, Muthukulathur. According to the petitioner, no child was born out of the said wedlock. But in the birth certificate issued for Devdharsan, it has been disclosed that the petitioner is the father. In such circumstances, the petitioner has given a representation seeking for deletion of his name as the father of Devdharsan in his birth certificate. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Admittedly, no DNA test was conducted on the child Devdharsan. Admittedly, the birth certificate discloses the name of the petitioner as the father of Devdharsan. No Court order has also been obtained by the petitioner declaring that Devdharsan is not his



son. In such circumstances, when there are disputed questions of facts involved, the only remedy available to the petitioner is to approach the Civil Court seeking for a declaration to declare that Devdharsan is not his son and thereafter seek for a consequential relief for the removal of his name as the father for Devdharsan in the birth certificate. No useful purpose will be served if the representation submitted by the petitioner to the first respondent is directed to be considered by this Court as there are disputed questions of facts involved with regard to the parentage of Devdharsan.

4. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to approach the Civil Court seeking for declaration that Devdharsan is not his son and also seeking for a consequential declaration to the first respondent seeking for deletion of his name as the father of Devdharsan in Devdharsan's birth certificate.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

The Registrar,
Birth and Death,
Government Hospital,
Ramanathapuram District.

+1 CC to M/s.K. MUTHUMALAI, Advocate (SR-22009[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22092[F] dated 28/04/2022)

W.P. [MD] No. 8261 of 2022

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MGJ(23.05.2022) 2P 4C