

9th October,
2023
(AK)
06

W.P.A 11346 of 2023

Smt. Taniya Shaw
Vs.
New town Kolkata Development Authority and Others

Mr. Ayan Banerjee
Ms. Debjani Sengupta
...for the petitioner.

Mr. Santanu Kumar Mitra
...for the respondent no.1.

Ms. Jhuma Chakraborty
Mr. Rajsekhar Basu
...for the State.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioner contends that the name and address of the child of the petitioner-lady was recorded correctly in a birth certificate initially issued at the behest of the private respondent/father of the child.
3. However, subsequently the private respondent/father obtained a correction to the said birth certificate behind the back of the petitioner.
4. The petitioner challenged the same. However, initially the said challenge was turned down on the ground that the father was the natural guardian of the child.

5. Subsequently, the petitioner approached the higher authorities who were of the opinion that unless there was an error in the birth certificate, the correction as made at the behest of the father could not have been done.

6. Learned counsel appearing for the New town Kolkata Development Authority, that is, respondent no.1, submits that the submission of the petitioner is justified.

7. Upon a perusal of the relevant provisions, it is seen that Section 14 of the Registration of Births and Deaths Act, 1969 provides for the registration of the name of child.

8. Section 15 of the said Act stipulates the provisions regarding correction or cancellation of entry in the register of births and deaths.

9. The provisions of Rule 12(4) of the West Bengal Registration of Births and Deaths Rules, 2000 deal with the modality for such correction.

10. A glance at the relevant Sections shows that in the event the registration of name of the child was not erroneous under Section 14 of the Act, the question of invoking Section 15 does not arise.

11. Even Rule 12(4) of the 2000 Rules stipulates that such correction can be made only if any entry in the register of births and deaths is erroneous.

12. The petitioner is justified in arguing that the natural guardianship of a child has nothing to do with it.

3. Thus, upon hearing learned counsel for the parties, WPA 11346 of 2023 is disposed of by directing the respondent no.1 to immediately re-rectify the birth certificate issued with regard to the child of the petitioner, reverting the details of the same back to the original, in which format the initial birth certificate was initially issued, and hand over the same to the petitioner.

4. It is, however, made clear that in the event the petitioner and/or the private respondent, being the parents of the child, seek to assert their rights with regard to the name of the child in future, nothing in this order shall prevent them to take recourse of the appropriate remedy in law in that regard.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)