



W.A.No.828 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.828 of 2023

S.Karthick

.. Appellant

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Corporation Office,
Rippon Building,
Periyamet, Chennai-600 003.

2.The Registrar of Birth and Death,
Zone-5,
Greater Chennai Corporation Zonal Office,
No.105, Basin Bridge Road,
Chennai-600 001.

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 23.1.2023 made in W.P.No.62 of 2023.



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For the Appellant : Mr.S.R.Karthikeyan

For the Respondents : Mr.Arun Babu
Standing Counsel

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.R.Karthikeyan, learned counsel for the appellant; and Mr.Arun Babu, learned Standing Counsel for the respondents.

2. The appellant/writ petitioner seeks change of name in the daughter's birth certificate issued under the provisions of the Registration of Births and Deaths Act, 1969.

3. The appellant is the father of K.Vinithini. The birth certificate records the name of the petitioner as "Kamal", which according to the petitioner is erroneous. The correct name is "S.Karthick".



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4. It is the contention of the appellant/writ petitioner that he had filed an application for correction of his name in the birth certificate of his daughter, but the same was not decided. As such, he had approached the learned Single Judge of this Court. The learned Single Judge did not grant the relief.

5. Under Section 15 of the Registration of Births and Deaths Act, 1969, once the application is filed for correction of entry in the birth register, an enquiry is contemplated and the authority has to take decision upon the enquiry. The said exercise has not been done in the present case.

6. The application seems to have been filed on 18.11.2022. The postal acknowledgment card is placed on record to demonstrate that the application is received by the Corporation.

7. Be that as it may, as the application filed by the petitioner is yet to be decided, we pass the following order:

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(i) The Corporation shall take a decision on the application (Page 21 of the typed-set of papers) filed by the appellant/writ petitioner for correction of his name in his daughter's birth certificate on its own merits, as contemplated under the provisions of the Registration of Births and Deaths Act, 1969 and the Rules framed thereunder, preferably within four months from the date of appearance of the appellant/writ petitioner.

(ii) The appellant/writ petitioner shall appear before the concerned authority on 18.10.2023.

(iii) In case the application filed by the appellant/writ petitioner dated 18.11.2022 is not available in the office of the Corporation, the appellant/writ petitioner may file a fresh application on the date of his appearance.



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WEB COPY 8. With these observations and directions, the writ appeal stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

05.10.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

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