



W.P.No.13108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.13108 of 2023

1. Rajesh Kumar Babu
2. Srinivasan Babu

Both are represented by their Mother
and Power of Attorney Holder
Mrs.Santhi M.K

...Petitioners

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-600 003.
2. The Registrar of Births and Deaths,
Corporation of Chennai,
Ripon Building, Chennai-600 003.
3. The Zonal Officer,
Corporation of Chennai,
Zone - III, Division 054,
Basin Bridge Road, Chennai.
4. The Director / Competent Person,
PTBGS Hospital,
Parvatiben Trikamji Bhatt Gujarati Sahayakari Hospital,
No-3, Ravana Iyer Street, Edapalaiyam,
Park Town, Chennai-600 003.

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to rectify the mistake and issue corrected Birth certificate of the petitioner's sons namely Mr.Rajesh Kumar and Mr Srinivisan who were born on 25.08.1982 and 28.03.1984 respectively based on the petitioner's representation dated 23.12.2021 followed by another representation dated 16.08.2022.

For Petitioners : Mr.K.Chozhan

For Respondents : Mrs.P.T.Ramadevi, SC, for R1 to R3.

ORDER

The petitioners have filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to consider the representations dated 23.12.2021 & 16.08.2022 and to consequently, rectify the mistake in the Birth certificate of the petitioners and issue corrected Birth certificate.

2. Mrs.P.T.Ramadevi, learned Standing Counsel takes notice for the respondents 1 to 3. In view of the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 4th respondent,



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notice to the 4th respondent is dispensed with.

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4. The petitioners herein are brothers and are represented by their mother and Power of Attorney holder namely M.K.Santhi. The case of the petitioners is that they were born in the 4th respondent hospital and their names were duly intimated to the competent registering corporation authorities and the same were registered on 30.08.1982 and 03.04.1984 respectively. However, it is pertinent to note that, in the petitioners' respective birth certificates, the 1st petitioner's name was erroneously mentioned as Dhanesh instead of Rajesh Kumar and father's name was mentioned as P.Rajendra Babu instead of P.Babu and the 2nd petitioner's name was not entered and left blank instead of Srinivasan and the father's name was mentioned as P.Rajendra Babu instead of P.Babu. Hence, the petitioners' mother made representations dated 23.12.2021 and 16.08.2022 before the 1st and 2nd respondents, seeking to rectify the above said errors in the respective birth certificates of the petitioners and issue fresh Birth certificates, however, till date, no orders have been passed on the same. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for



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the petitioners submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the representations dated 23.12.2021 and 16.08.2022 made by the petitioners' mother, rectify the mistakes in the respective Birth certificates of the petitioners and issue corrected Birth certificates as expeditiously as possible.

6. Learned Standing counsel appearing for the respondents 1 to 3 submitted that appropriate orders will be passed on the representations dated 23.12.2021 and 16.08.2022 made by the petitioners' mother.

7. Considering the limited request made by the learned counsel for the petitioners, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the representation dated 16.08.2022 made by the petitioners' mother on merits and in accordance with law and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioners and aggrieved persons, if any.

8. Accordingly, this Writ petition stands disposed of. No costs.

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Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Commissioner,
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in

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Ordered, on payment of single
Court fee.

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(2/2)

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