



WEB COPY



W.P.No.24621 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 22.08.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.24621 of 2023**

P.Logesh Kumar

... Petitioner

VS.

1.The Commissioner  
O/o The Greater Chennai Corporation  
Rippon Building, Chennai.

2.The City Health Officer,  
O/o The Greater Chennai Corporation  
Rippon Building, Chennai.

3.The Medical Officer (Birth/Death)  
Govt Kasthuribhai Gandhi Women and Children Hospital,  
Thiruvelliken, Chennai-600005. ... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to correct the father name as Logesh Kumar instead of Vijayarajan in the birth certificate No.COC/2007/06/86A/007130/0 dated 02.07.2023 issued by the 3<sup>rd</sup> respondent in pursuant to Petitioner representation dated 22.07.2023.

For Petitioner : Mr.P.Muthamizhselvakumar



W.P.No.24621 of 2023

For Respondents : Mrs.P.T.Ramadevi  
Standing Counsel for GCC

### **ORDER**

The petitioner herein seeks a direction to the respondents to correct the father name as Logesh Kumar instead of Vijayarajan in the birth certificate issued to his daughter in Certificate No.COC/2007/06/86A/007130/0 dated 02.07.2023 based on the representation of the petitioner dated 22.07.2023.

2. It is the case of the petitioner that his daughter was born on 13.09.2007 at Government Kasthuribhai Ladies and Children's Hospital at Thiruvallikeni. The birth of his daughter namely Sai Amirtha was registered by the 1<sup>st</sup> respondent-Corporation in Registration No.COC/2007/06/86A/007130/0. In the birth certificate issued to his daughter, the name of father of the child was wrongly mentioned as Vijayarajan instead of Logesh Kumar. Therefore, the petitioner submitted a representation to respondents on 22.07.2023 seeking correction of birth certificate so as to incorporate the correct name of the father of the child



W.P.No.24621 of 2023

namely Logesh Kumar. Along with the representation, the petitioner also submitted supporting documents to show that correct name of the father of the child is Logesh Kumar not Vijayarajan

3. The main grievance of the petitioner is though he submitted a representation on 22.07.2023, the same has not been considered by the respondent/Corporation.

4. Mrs.P.T.Ramadevi, learned Standing Counsel takes notice for the respondents.

5. Though the petitioner sought for a positive direction to the respondents to correct the name of father of the child mentioned in the birth certificate issued to his daughter, such a direction cannot be issued by this Court. Whether the name of the father of the child is wrongly entered in the birth certificate or not is a disputed question of fact, which cannot be gone into by this Court while exercising power under Article 226 of the Constitution of India.

6. Under Section 15 of the Registration of Births and Deaths Act,



W.P.No.24621 of 2023

1969, the Officer designated as a Registrar has got power to correct the erroneous entry in the certificate of birth. In such circumstances, this Court is inclined to issue a direction to the 2<sup>nd</sup> respondent to consider the representation of the petitioner dated 22.07.2023 and pass final orders on merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

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

**22.08.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation: Yes/No  
dm



W.P.No.24621 of 2023

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W.P.No.24621 of 2023

**S.SOUNTHAR, J.**

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