



W.P(MD)No.18525 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18525 of 2021

J.Balkees Roshan

... Petitioner

Vs.

1.The Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

2.The Registrar,
Birth and Death,
Rajapalayam Municipal Office,
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records of the 1st respondent in Na.Ka.No.H2/4725/2021 dated 28.09.2021 and quash it as illegal and also direct the 1st respondent to enter the present name of the petitioner (J.Balkees Roshan) as published in the Tamil Nadu Gazette on 17.01.2002 and issue a fresh birth certificate to the petitioner within a time stipulated by this Court.



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W.P(MD)No.18525 of 2021

For Petitioner : Mr.K.P.Sankarakumarakuruparan

For Respondents : Mr.N.Dilip Kumar,
Standing Counsel for R1.
Mr.M.Siddharthan,
Addl. Government Pleader for R2.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was originally known as J.Balkees. That is how her name is entered in the birth certificate. She later changed her name as J.Balkees Roshan. She wants correction in the birth certificate based on the gazette notification. Her request was rejected by the impugned order dated 28.09.2021. It is put to challenge in this writ petition.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant the relief as prayed for.

4.The learned standing counsel for Rajapalayam Municipality submitted that the prayer sought for by the petitioner is not statutorily recognized and



W.P(MD)No.18525 of 2021

hence, the impugned order passed by the local body does not warrant intervention. He pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. The issue raised in this writ petition arose for consideration in W.P.(MD)No.9400 of 2022. The writ petitioner therein also wanted the competent authority to change his son's name in the birth certificate as per the official gazette notification. The said writ petition was allowed on 17.06.2022 after considering the circular issued by the Director of Public Health and Preventive Medicine and the decision of the Hon'ble Division Bench reported in **2016 3-L.W. 863 (The Commissioner Vs. S.K.Syed Rafiullah)**.

6.In that view of the matter, the order impugned in the writ petition is quashed and the writ petition is allowed. The respondents are directed to issue a revised birth certificate as sought for by the petitioner. This shall be done as expeditiously as possible. No costs.

12.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.18525 of 2021

G.R.SWAMINATHAN, J.

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To:-

The Registrar,
Birth and Death,
Rajapalayam Municipal Office,
Rajapalayam,
Virudhunagar District.

W.P(MD)No.18525 of 2021

12.01.2023
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