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W.P.No.25124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25124 of 2024
and W.M.P.No.27445 of 2024

R Chandrakala

... Petitioner

Vs

1. The Commissioner,
Salem Corporation,
Salem – 636 001.

2. The Director Of Public Health And Preventive Medicine
And Chief Registrar Of Births And Deaths,
Anna Salai, Teynampet, Chennai- 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 28.06.2024 in Na.Ka.No. H6/14199/2023 and quash the same and consequently direct the first Respondent to correct the error and insert the name of the petitioner's daughter as “R.PUJALAKSHMI” in the place of “R. POOVARASI” and issue a fresh Corrected Birth Certificate to the petitioner's daughter.

For Petitioner	: Mr.K.Sukumaran
For R1	: Mrs.N.Devi
	Standing Counsel
For R2	: Mr.E.Sundaram
	Government Advocate



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ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 28.06.2024, thereby rejected the request made by the petitioner to correct the error and insert the name of the petitioner's daughter as “R.PUJALAKSHMI” in the place of “R. POOVARASI” and issue a fresh Corrected Birth Certificate to the petitioner's daughter.

2. Heard both sides and perused the materials available on record.

3. The petitioner gave birth to a female child on 16.01.2009 at the Government Mohana Kumaramangalam Medical College and Hospital, Salem. Though the petitioner gave the name of her daughter as R.Pujalakshmi, the petitioner was issued with the birth certificate as R.Poovarasi. Therefore, in order to correct the entry of the petitioner's daughter as R.Pujalakshmi, the petitioner made a gazette publication and accordingly, it was published in the gazette as R.Pujalakshmi instead of R.Poovarasi. On the basis of the gazette publication, the petitioner submitted a representation to change the name of the petitioner's daughter



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in the birth certificate which was wrongly entered as R.Poovaras. In fact, all the records such as Aadhar card and school records shows the petitioner's daughter name as R.Pujalakshmi. However, the said request was rejected by the second respondent for the reason that as per Rule 15 of Registration of Birth and Death Act, 1969, it does not permit to correct the name.

4. It is relevant to extract the provisions under Section 15 of the Registration of Birth and Death Act, 1969 as follows:-

“ 15. Correction or cancellation of entry in the register of births and deaths- If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”



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Thus, it provides for correction of any entry in the register if it is proved erroneous.

5. Admittedly, the petitioner's daughter name was changed as R.Pujalakshmi as per the gazette notification. Her Aadhar card and other school records shows that the petitioner's daughter name is R.Pujalakshmi. As per the above said provision, the second respondent is empowered to correct any error in the certificate. Therefore, without even considering the above provision, mechanically rejected the petitioner's application to correct her daughter's name in the birth certificate. It is against the provisions under Section 15 of the Registration of Birth and Death Act, 1969. Further, no prejudice will be caused to the respondents, if the name of the petitioner's daughter is corrected as R.Pujalakshmi in the birth certificate.

6. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order passed by the first respondent dated 28.06.2024 in Na.Ka.No. H6/14199/2023, is



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hereby quashed. The first respondent is directed to correct the error in the birth register and issue birth certificate for the petitioner's daughter as R.Pujalakshmi, within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

02.09.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Commissioner,
Salem Corporation,
Salem – 636 001.
2. The Director Of Public Health And Preventive Medicine
And Chief Registrar Of Births And Deaths,
Anna Salai, Teynampet, Chennai- 600 006.

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