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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.31659 of 2019

V.Vishwakumar

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

2.The Zonal Health Officer,
Zonal – 10,
No.117, Arcot Salai,
Kodambakkam,
Chennai – 600 024.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings in Ma.A.10.Su.Thu.Na.Ka.No.9546/2019 dated 05.08.2019 and to quash the same and consequently, direct the respondents to make correction in the birth certificate of petitioner's son namely, V.Santhoshkumar, father name as V.Viswakumar instead of Vinothkumar.



For Petitioner .. Mr.P.Murali
For Respondents .. Mr.Arunbabu,
Standing Counsel for Corporation.

ORDER

This writ petition has been filed in the nature of the Certiorarified Mandamus seeking interference in an order of the 2nd respondent / the Zonal Health Officer, Zonal -10, Kodambakkam, Chennai dated 05.08.2019 and direct the said respondent to correct the name of the petitioner from V.Vinothkumar to Viswakumar in the birth certificate of petitioner's son.

2.The son of the petitioner is called Santhoshkumar. He was born on 24.09.2009 at Corporation Hospital, Saidapet. According to the petitioner, he had given his name and other details to be incorporated in the birth certificate. He had unfortunately given his pet name, since he was often called as Vinothkumar. He had given that particular name, whereas in the records his name is reflected as Viswakumar. The birth certificate, which was issued naturally carried the name as given in the application namely, Vinothkumar. The respondent cannot be faulted for that entry. The



petitioner then launched a litigation to correct the name.

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3.The petitioner first filed W.P.No.12713 of 2019 seeking the very same relief. He had given a representation on 24.12.2018. A learned Single Judge of this Court had directed examination of the said representation. The said representation was examined and the 2nd respondent had rejected it and had passed the impugned order, which is now challenged in the present writ petition.

4.I must confess that this Court cannot examine the correctness of the name of the petitioner. That is an issue which will have to be examined on the basis of the documents. The learned counsel for the petitioner stated that all the documents have been enclosed, but the authority will have to examine those documents. Judicial review would lie on the procedure adopted in such examination of the documents or on the correctness of the order passed. The proper authority to so examine the documents would be, according to the learned Standing Counsel for the respondent, the District Revenue Officer.



5.The learned counsel for the petitioner stated that as on date, the address of the petitioner and the place where the child was born fall within the jurisdiction of Chengalpet District. The petitioner may, therefore, file a fresh application before the District Revenue Officer, Chengalpet, who may examine the records and if it is within his jurisdiction, issue notice to the petitioner and pass necessary orders. If it is found that since the child was born in Government Hospital at Saidapet, the District Revenue Officer, Chennai alone has jurisdiction to examine, the DRO, Chengalpet may forward the entire records to DRO Chennai and mark a copy to the petitioner so that he can follow it up with DRO Chennai.

6.At any rate, DRO, Chengalpet has to pass necessary orders within a period of three weeks from the date of receipt of a copy of the fresh application from the petitioner. If he holds that he has no jurisdiction, then he should forward the papers to DRO, Chennai who in turn, on receipt of those papers should pass necessary orders within a period of three weeks from the date of receipt of the papers. Opportunity of being heard may be afforded to the petitioner to explain that Viswakumar and Vinothkumar are the same person and that the Vinothkumar is a pet name and Viswakumar is the actual name.



7. With the above observations, this Writ Petition stands disposed of.

No costs.

04.11.2024

Index: Yes/No
Internet: Yes/No
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To

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C.V.KARTHIKEYAN,J.

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