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W.P.No.34608 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34608 of 2024

Vijayalakshmi

... Petitioner

VS.

The Registrar of Birth and Death/
The Commissioner,
Coimbatore Corporation,
Coimbatore.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in Na.Ka. No.120/2024/M.E.8 dated 12.08.2024 and to quash the same and consequently direct the respondent to issue corrected death certificate of the petitioner's son.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.D.R.Arunkumar
Standing Counsel



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ORDER

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The Writ Petition is filed challenging the order passed by the respondent in Na.Ka.No.120/2024/M.E.8, dated 12.08.2024 rejecting the application filed by the petitioner seeking correction in the Death Certificate.

2. It is the case of the petitioner that her son-Eswaramoorthy died on 23.06.2014 in PSG Hospital, Coimbatore and the same was reported to the respondent and accordingly, the respondent issued a Death Certificate to the petitioner. In the Death Certificate, the name of the petitioner was wrongly mentioned as Kannayyal instead of Vijayalakshmi. Likewise, the name of her husband was mentioned as Kumarappa Gounder instead of Kumaravel. Therefore, the petitioner submitted a representation before the respondent dated 26.07.2024 seeking correction of entry in the Death Certificate. The same was rejected by the respondent by the impugned order by stating that there is no provision under the Registration of Births and Deaths Act, 1969 for correction of death certificate. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner by taking this



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Court to Section 15 of the Registration of Births and Deaths Act, 1969 and Rule 11 of the Tamil Nadu Registration of Births and Deaths Rules, 2000, submitted that the respondent has got power to correct the erroneous entry made in the birth or death certificates.

4. Mr.D.R.Arunkumar, learned Standing Counsel, who is taking notice for the respondent, would submit that the petitioner approached the respondent for correction of wrong entry nearly after 10 years. Further, the petitioner has not produced the Birth Certificate of the deceased son to verify the names of the father and mother.

5. Section 15 of the Registration of Births and Deaths Act, 1969, reads 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



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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.”

6. A reading of above provision would make it clear that the respondent is not only entitled to correct the erroneous entry in form, but also in substance. Therefore, any wrong entry with regard to the material details in the birth or death certificate can be corrected by respondent by exercise of power under Section 15 of the Registration of Births and Deaths Act, 1969.

7. Rule 11 of the Tamil Nadu Registration of Births and Deaths Rules, 2000, reads as follows:-

11. Correction or cancellation of entry in the register of births and deaths under section 15

(1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in his



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possession, the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or canceling the entry) as provided in section 15 and shall in the case of local authorities specified in column (1) of the Table below send an extract of the entry showing the error and how it has been corrected to the officer specified in column (2) thereof.

TABLE

<i>Local Authorities (1)</i>	<i>Officers (2)</i>
<i>Village Panchayat</i>	<i>Village Panchayat President</i>
<i>Town Panchayat</i>	<i>Executive Officer</i>
<i>Contonment</i>	<i>-Do</i>
<i>Municipality</i>	<i>Commissioner</i>
<i>Neyveli Lignite Corporation</i>	<i>Chief Health Officer</i>
<i>Corporation</i>	<i>Commissioner</i>

8. A combined of reading of Section 15 of the Registration of Births and Deaths Act, 1969 and Rule 11 of Rules framed under the said Act would make it clear that the respondent is empowered to correct the wrong entries made in the birth certificate or death certificate. Therefore, the impugned order passed by respondent as if, he has no power to entertain the request for correction is not correct.



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WEB COPY 9. Accordingly, the same is set aside and the Writ Petition is allowed.

The matter is remitted back to the file of the respondent and the respondent shall consider the request of the petitioner and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order, after giving sufficient opportunity to the petitioner to substantiate her claim regarding wrong entry in the death certificate of her son. No costs.

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(2/2)

Index : Yes
Speaking order: Yes
Neutral Citation: Yes
dm



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To

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The Registrar of Birth and Death/
The Commissioner,
Coimbatore Corporation,
Coimbatore.



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S.SOUNTHAR, J.

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