



W.P.No.37496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

W.P.No.37496 of 2024

K.Kalimuthu

... Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.

2. The Zonal Health Officer, Zone-5,
Births and Deaths Registration Division,
Greater Chennai Corporation,
Chennai 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Mandamus directing the second respondent to issue the petitioner's daughter-in-law Uma's death certificate by mentioning/printing her husband name Saravanan at the relevant column, and also issue death certificate of the petitioner's son Saravanan by mentioning his mother name as Rani instead of Vani and mentioning his wife name as Uma, instead of Mala, pursuant to my representation dated 01.03.2024.



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For Petitioner : Mr.J.B.Solomon Peter Kamal Doss

For Respondents: Mr.S.Gopinathan, Standing Counsel

ORDER

The petitioner herein seeks a direction to the second respondent to correct the death certificate issued for the petitioner's son Saravanan and petitioner's daughter-in-law Uma, by considering his representation dated 01.03.2024.

2. It is the case of the petitioner that the petitioner's son Saravanan died on 20.11.2018. In the death certificate issued to the petitioner by the Chennai Corporation, the name of the mother of deceased (petitioner's wife) was wrongly mentioned as Vani instead of Rani, like wise, the name of the wife of deceased was mentioned as Mala, instead of Uma. Subsequently, the petitioner's daughter in law died on 21.11.2023 and in her death certificate, her husband name Saravanan was not mentioned in the relevant column. Therefore, the petitioner submitted a representation on 01.03.2024 seeking correction of the death certificates and to issue corrected death certificates. However, the same has not been considered by the respondents. Hence, the petitioner has come before this court.



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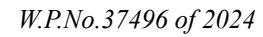
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3. Mr.S.Gopinath, learned Standing Counsel takes notice for the respondents.

4. It is useful to extract Section 15 of the Registration of Birth and Death Certificate, which 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 of 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.

5. A perusal of the above Section makes it clear that the Registrar under the Act has been empowered to make correction of erroneous entries in the birth certificate not only in form but also in substance. Therefore, the name of the wife and mother of the deceased Saravanan can be corrected by the Registrar on being satisfied with the correct particulars. Likewise, if the name of the husband of the deceased Uma



6. In view of the above, the second respondent is directed to consider the representation of the petitioner dated 01.03.2024, in the light of Section 15 of the Registration of Birth and Death Act and to pass final orders, on its own merits, within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed. There shall be no order as to costs.

16.12.2024.

Index : Yes / No
Internet : Yes / No
mst

To



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