



W.P(MD)No.9006 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9006 of 2024
and
W.M.P.(MD)Nos.8183 & 8185 of 2024

P.Banupriya

... Petitioner

Vs.

1.The Thasildar Madurai North,
Madurai.

2.Office of the Sub-Registrar,
Thamaraipatti,
Madurai District.

3.Office of the Sub-Registrar,
Madurai North,
Madurai 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 records pertaining to the impugned order passed by the 3rd respondent dated NIL, Numbered NIL, and directing the 3rd respondent to issue a valid Birth Certificate within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.K.Amaravel Pandiyan

For Respondents : Mrs.D.Farjana Ghoshia
Special Government Pleader



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ORDER

Heard both sides.

2. With the consent of learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner's case is as follows:-

She was born on 26.05.1990. Her birth was registered by the second respondent. However, in the birth certificate, the petitioner's name was not entered. Her father's name was also wrongly mentioned as V.Pandi instead of V.Pandiarajan. Now, the petitioner wants a revised birth certificate by including her name and by changing her father's name. It is not in dispute that the third respondent is the authority competent to do so. Since the third respondent informed the petitioner that they could not obtain the relevant records from the first respondent, the present writ petition came to be filed.

4. When the matter was taken up for hearing, the learned Special Government Pleader made available the written instructions given by the third respondent. Section 15 of the Registration of Births and Deaths Act, 1969 is 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



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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 alternation of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

Rule 11(4) of Tamil Nadu Registration of Births and Deaths Rules,2000 is as follows:-

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

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person a declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.

5. It is seen from the aforesaid provision that correction as sought for by the petitioner can very well be granted. The petitioner is permitted to submit a fresh application before the third respondent by enclosing this order. The third respondent will conduct enquiry. Whatever records that are sought to be summoned by the third respondent either from the petitioner or from any other authority shall be complied with. If the third respondent is satisfied that the petitioner's claim is genuine, a revised birth certificate shall be issued as prayed for. The entire exercise shall be completed within a period of three months from the date of receipt of submission of the fresh application by the petitioner.



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G.R.SWAMINATHAN, J.

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6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes/ No

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To

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