



W.P(MD)No.12843 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12843 of 2024

K.Subha

... Petitioner

Vs.

1.The Commissioner,
Sivagangai Corporation,
Sivagangai District.

2.The Registrar of Birth and Deaths,
Registrar, Registration Unit 3,
Karaikudi Municipality,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 15.12.2023 made to the 1st respondent regarding changes in the fathers name from Manikandan to Kannan S/o. Subramanian in the birth certificate of the petitioner's daughter Mishika Shri duly registered as Reg. No.1221/2014/03 dated 07.07.2014.

For Petitioner : Mr.W.Pamelin

For Respondents : Mr.D.Venkatesh



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ORDER

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Heard both sides.

2. The petitioner got married to one Manikandan on 23.05.2012. Through the said marriage, a girl child was born on 02.07.2014. Her birth was duly registered with the second respondent. Subsequently, the marriage between the petitioner and the said Manikandan was dissolved through court process. The petitioner thereafter married one Kannan S/o.Subramanian. It was also duly registered. Now, the petitioner wants the name of the stepfather to be entered in the birth certificate of the petitioner's girl child. In this regard, the petitioner had given a representation dated 15.12.2023 to the first respondent. Since it was not acted upon, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned standing counsel for the local body submitted that the petitioner's request cannot be accepted. He relied on the order dated 20.07.2020 made in C.S.No.103 of 2020 in this regard. The stand of the local body is that name of the stepfather cannot be entered in the birth certificate in the place of the biological father. The respondents pressed for dismissal of the writ petition.



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4. After carefully considering the rival contentions, I am of the view that relief can be granted to the petitioner. The very same issue was raised before me in W.P.(MD)No.30055 of 2023, dated 27.02.2024 (Mirunadevi Vs. The Commissioner). After referring to the earlier precedent as well as the statutory position, I came to the conclusion that the interest of the child will rank paramount and that the Court should not go by technical considerations. I am inclined to adopt the very same approach in this case also. The first respondent will make the correction sought for by the petitioner. The respondents will issue a revised birth certificate by substituting the name of Thiru.S.Kannan in the place of Manikandan in the column name of the father. In the original record maintained by the local body, the name of the biological father will be rounded off and the name of Kannan S/o.Subramanian will be entered as stepfather. However, in the revised certificate to be issued to the petitioner, the name of Thiru.S.Kannan alone shall be shown as father of the child and the name of Thiru.Manikandan will not be mentioned in the certificate to be issued. This shall be done as expeditiously as possible. The Writ Petition is allowed. No costs.

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Index : Yes / No
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G.R.SWAMINATHAN, J.

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