



W.P.(MD) No.16505 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.16505 of 2016

J.Jeya Prasanth

.. Petitioner

Vs.

1.The Commissioner,
Padmanabhapuram Municipality,
Padmanabhapuram,
Thuckalay, Kanyakumari District.

2.The Registrar of Births and Deaths,
Padmanabhapuram Municipality,
Padmanabhapuram,
Thuckalay, Kanyakumari District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 1st respondent herein in Na.Ka.No.2466/2016/A1 dated 23.06.2016, quash the same, and further direct the respondents herein to correct the petitioner;s name as J.Jeya Prasanth instead of Prasanth in the Birth Certificate.



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For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.P.Athimoolapandian

ORDER

The challenge in this writ petition is to the order passed by the first respondent by his proceedings in Na.Ka.No.2466/2016/A1, dated 23.06.2016.

2. A perusal of the impugned order would indicate that the first respondent had rejected the claim of the petitioner by simpliciter holding that under Section 14 of the Registration of Births and Deaths Act, 1969 (hereinafter referred to as “the Act”) and Rules 8 and 10 thereunder, the name cannot be changed after registration.

3. The provisions referred to by the first respondent have no relevance to make correction in the birth certificate and it is only the second respondent who can make correction in the birth certificate as per Section 15 of the Act. Section 15 of the Act would indicate that the



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request for correction if erroneous in form or substance also could be entertained and made.

4. In such circumstances, the impugned order is set aside, as the same is made without assigning any reason and contrary to the provisions of Section 15 of the Registration of Births and Deaths Act, 1969.

5. In fine, the Writ Petition stands allowed and the request of the petitioner shall be remanded back to the second respondent and the second respondent shall consider the petitioner's application as provided under Section 15 of the Registration of Births and Deaths Act, 1969 after affording an opportunity to the petitioner and thereafter, pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

18.11.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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K.KUMARESH BABU, J.

abr

To

- 1.The Commissioner,
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Padmanabhapuram,
Thuckalay, Kanyakumari District.
- 2.The Registrar of Births and Deaths,
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