



W.P.(MD) No.11353 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.11353 of 2017

H.Noorul Rizwana

... Petitioner

/vs./

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Town Welfare Officer,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent by his proceedings in H.5/008964/17 dated 12.04.2017 and to quash the same and consequently direct the respondents to correct the name of the Petitioner's daughter as H.Ayisha Fathima in the birth register and to issue birth certificate.

For Petitioner : Mr.V.A.Dhana Aravindh Balaji for
M/S.Dhana Law Associates



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For Respondents : Mr.S.Vinayak
standing counsel

ORDER

The challenge in this writ petition is to the order passed by the second respondent by his proceedings in H.5/008964/17 dated 12.04.2017.

2. A perusal of the impugned order would indicate that the second respondent had rejected the claim of the petitioner by simpliciter holding that for name change, provisions under Section 15 of the Registration of Births and Deaths Act, 1969, could not be invoked.

3. A reading of the said provision would indicate that the request for correction if erroneous in form or substance also could be entertained and made. In the present case, the petitioner had also produced the Gazette Notification evidencing the name change of the petitioner's daughter.

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



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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 and also by taking note of the Gazette Notification dated 13.03.2013 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.

Index : Yes / No

15.11.2024

Internet : Yes / No

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To

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Madurai Corporation,
Madurai.

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K.KUMARESH BABU, J.

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