



W.P.(MD)No.29619 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.29619 of 2024

Karuppasamy

... Petitioner

-Vs-

1.The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

2.The Deputy Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

3.The Revenue Inspector,
Paralachi Village, Aruppukkottai Taluk,
Virudhunagar District.

4.The Village Administrative Officer,
Keelkudi Village, Aruppukkottai Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in Na.Ka.A4/1115/2024, dated 19.09.2024 and quash the same and consequently, to direct the 1st respondent to correct the error of the petitioner's grandfather's name as Irulandi in the record of the petitioner's father's death register and issue a corrected death certificate within the time fixed by this Court.



W.P.(MD)No.29619 of 2024

For Petitioner : Mr.V.S.Rishikesh
For Respondents : Mr.D.Gandhiraj,
Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Challenge has been made to the order passed by the 1st respondent, where the request of the petitioner, seeking correction of the name of his grandfather as Irulandi instead of Soriyan in his father's death certificate, has been rejected.

3.The petitioner's father, namely, Gnanaprakasam died on 13.07.2011, leaving behind the petitioner as his sole legal heir. When the petitioner had taken steps to mutate the revenue records in respect of the property owned by his father, he had found that his grandfather's name had been wrongly stated in his father's death certificate. His father's death was registered on 25.07.2011. The death certificate was issued to the petitioner on 06.06.2023.



W.P.(MD)No.29619 of 2024

WEB COPY

4.A perusal of the death certificate of his father shows that the name of his grandfather is mentioned as Soriyan. His original name is Irulandi. Therefore, the petitioner submitted an application to correct the name of his grandfather in his father's death certificate. However, it was rejected on the ground that Section 15 of Tamil Nadu Birth and Death Registration Act, 1969 (hereinafter referred to as 'the Act') does not permit the 1st respondent to make any correction in the death certificate, which was originally registered by the registering authorities.

5.It is relevant to extract Section 15 of the Act hereunder:-

“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 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.”



W.P.(MD)No.29619 of 2024

WEB COPY

6. Accordingly, it is empowered the 1st respondent to correct formal and clerical error in the death certificate. That apart, on enquiry, the respondents 2 to 4 found that the name of the petitioner's grandfather is Irulandi and his nick name is Soriyan. Further, there is no objection from any third party to correct the name of his grandfather as Irulandi in the death certificate of his father.

7. In view of the above, the impugned order cannot be sustained in the eye of law and the same is liable to be set aside, accordingly, it is set aside. The 1st respondent is directed to correct the name of the petitioner's grandfather as Irulandi instead of Soriyan on the basis of the reports submitted by the respondents 2 to 4 within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is allowed. No costs.

09.12.2024

Index : Yes / No
NCC : Yes / No

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W.P.(MD)No.29619 of 2024

WEB C **TO:-** Y

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W.P.(MD)No.29619 of 2024

G.K.ILANTHIRAIYAN, J.

Yuva

W.P.(MD)No.29619 of 2024

09.12.2024