WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5207 of 2025
and
W.M.P.No.5789 of 2025.

S.NAGANANDHINI ... Petitioner

Vs

1. THE COMMISSIONER,
VELLOR CORPORATION,
VELLORE DISTRICT.

2. THE REGISTRAR (BIRTH & DEATH)
VELLORE CORPROATION ZONE -IV,
DIVISION - 21, VELLOR DISTRICT. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling the records of the second respondent notice dated 12.12.2024 and quash the same as illegal and arbitrary and further direct the respondents and particularly second respondent to issue the birth certificate in the name of S.Aadhanyan instead of "Akhileshwar.S".

For Petitioner : Ms.Z.Rifa Fathima

For Respondents : Mr.P.S.Prabu

ORDER

https://www.mhc.tn.gov.in/judis

WEB COPY

This writ petition is filed for a writ of Certiorarified mandamus, calling for the records in respect of the order dated 12.12.2024 passed by the second respondent and to quash the same and further direct the respondents to issue birth certificate in the name of "S.Aadhanyan" instead of "S.Akhileshwar".

2. The grievance of the petitioner is that originally, when particulars were furnished with reference to the birth certificate in respect of the name of her son, they named him as S.Akhileshwar. Subsequently, through a Gazette publication, the name was changed as "S.Aadhanyan". The due procedure has been complied with in respect of the change of name. When they approached for the issuance of a birth certificate with the corrected name, the authorities refused, hence the writ petition.

3. The learned counsel appearing on behalf of the respondents would submit that once they publish the name in the Gazette, the name changes and there is no express rule enabling the second respondent to once again incorporate the said correction and issue a corrected birth certificate.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. The approach taken by the second respondent cannot be found fault with. However, whenever the parties are going abroad for their occupation, it may not be possible to convince those foreign jurisdictions by explaining the details. In view of the peculiar facts and circumstances of the case, when the corrected birth certificate, in consonance with the name in the passport, is needed, especially when the parties are going abroad for their livelihood, this Court can come to the rescue of persons like the petitioner. In view thereof, this writ petition is allowed on the following terms:-

(i) The second respondent shall carry out the correction in the column of the name of the petitioner's child as "S. Aadhanyan" instead of "S. Akhileshwar" and issue a corrected date of birth certificate.

(ii) The entire exercise shall be completed within a period of six weeks from the date of receipt/production of the website uploaded copy of this order without waiting for the certified copy of the order.

(iii) Consequently, connected miscellaneous petition is closed. No costs.

https://www.mhc.tn.gov.in/judis

WEB COPY

18.02.2025

Neutral Citation: Yes/No
nsl

To
1. THE COMMISSIONER,
VELLOR CORPORATION,
VELLORE DISTRICT.

2. THE REGISTRAR (BIRTH & DEATH)
VELLORE CORPROATION ZONE -IV,
DIVISION - 21, VELLOR DISTRICT.

D.BHARATHA CHAKRAVARTHY, J.

nsl

https://www.mhc.tn.gov.in/judis

WEB COPY

W.P.No.5207 of 2025

18.02.2025

https://www.mhc.tn.gov.in/judis