



WEB COPY

WP No. 4779 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 4779 of 2024

Mrs.Naziya Nishad,
W/o. Mohamed Nishad,
No. 39, Arokiyasamy Street,
Varadharajpet, Chollaimedu,
Chennai – 600 094,
Presently Residing at, 11/7, Sadasiva
Metha Street, Amijakarai,
Chennai – 600 029.

Petitioner(s)

Vs

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
- 2.The City Health Officer,
Greater Chennai Corporation,
Chennai – 600 003.
- 3.The Zonal Health Officer – Zone - IX,
Corporation of Chennai
Nungambakkam, Chennai - 600034.
- 4.Registrar of Birth and Deaths,
Division 117 Zone 9,
Corporation Of Chennai,
Nungambakkam, Chennai – 600 034.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the 3rd



Respondent vide proceeding in Ma.A.9.Na.Ka.No.H.1/0312/2024 dated 06.02.2024 and quash the same and consequentially direct the 3rd and 4th Respondent to issue amended birth certificate of Mohamed Esa (Son of the Petitioner) amending the mother's name from Mrs. Nivetha to Mrs. Naziya Nishad as per the publication made in Tamilnadu Government Gazettee Part VI-Section 4 dated 05.01.2022(page-37)within a time limit fixed by this Hon'ble Court.

For Petitioner(s): Mr.C.Vidhusan

For Respondent(s): Ms.P.T.Ramadevi,
Standing Counsel

ORDER

This writ petition is filed to call for the records of the 3rd Respondent vide proceeding in Ma.A.9.Na.Ka.No.H.1/0312/2024 dated 06.02.2024 and quash the same and consequentially direct the 3rd and 4th respondent to issue amended birth certificate of Mohamed Esa (Son of the Petitioner) amending the mother's name from Mrs. Nivetha to Mrs. Naziya Nishad as per the publication made in Tamilnadu Government Gazettee Part VI-Section 4 dated 05.01.2022(page-37) within a time limit fixed by this Hon'ble Court.

2.The case of the petitioner is that the petitioner's birth name is Nivetha and that she got married to one Mohamed Nishad on 06.02.2017 and they were blessed with a baby boy on 08.06.2020 and they have named him Mohamed Esa. After marriage, out of attachment towards islam, the petitioner had converted to Islam on 17.12.2021 and had changed her name from Nivetha to Naziya Nishad and had the name change published in Tamilnadu Government



Gazette Part VI – Section 4 dated 05.01.2022 (page – 37). Thereafter, the petitioner made an application for mentioning the present name in the birth certificate issued to her son, however, the same was rejected by the third respondent vide the impugned order dated 06.02.2024. Challenging the same, the present writ petition is filed.

3.The learned counsel for the petitioner submits that to change the name of the petitioner in the birth certificate of the petitioner's son, power is conferred on the respondents under Section 15 of the Registration of Births and Deaths Act, 1969. However, instead of exercising the power available under Section 15 of the said Act, the petitioner's request has been rejected by the third respondent on the ground that there is no provision available, which is erroneous. He also relied on a Judgment of the Division Bench of this Court in W.A.No.610 of 2016 dated 10.06.2016 in the case of *the Commissioner, the Pallavaram Municipality Vs. S.K.Syed Rafiullah and Ors.*, [2016 (4) CTC 868], and accordingly, prays for allowing the present writ petition.

4.Per contra, learned Standing Counsel appearing for the respondents submits that if the name is changed for any reason subsequent to the date of birth, for which a Gazette notification has been obtained, both the birth certificate and the gazette notification are to be used for all purposes as a proof of date of birth(birth certificate) and as proof of name (Gazette notification)



respectively and there is no provision for changing the name in the date of birth certificate. Accordingly, the impugned order has come to be passed which requires no interference.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Though it is the submission of the learned Standing Counsel for the respondent that there are no provisions under the Act for carrying out the name change in the name of the mother of the child in the birth certificate, it is to be pointed out that there is no bar for carrying out the said correction in the birth certificate and the Act also does not bar such an activity. In this regard, the decision in ***Syed Rafiullah*** case relied on by the petitioner is squarely attracted to the present case.

7. In ***Syed Rafiullah*** case, the Division Bench has dealt with a similar issue and had issued affirmative direction for making the necessary correction and the relevant portion of the order is quoted hereunder:-

“3. Under Section 15 of the abovesaid Act, what is contemplated is that 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 the 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 correction or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alternation of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation. The above section provides the procedure to be followed by the Registrar on such application being made. He is vested with the power to correct the error or cancel the entry by suitable entry in the margin, without any alternation of the original entry, and shall sign the marginal entry and add thereto the date of the correction of cancellation. It does not necessarily mean that the entry cannot be made by way of alteration. What is contemplated is that in the place of entries being made, on satisfaction of the Registrar, he can only make a marginal entry and not alter the original entry.

4.Anyhow, it is not even a question of change or alteration of date of birth or death. It is only the change of name of the minor child based on a publication in the Government Gazette. Therefore, the Officer concerned is duty bound to change the name and issue the Birth Certificate afresh and it will not be in violation of Section 15 of the abovesaid Act. As such, we do not find any merit in the appeal filed by the Commissioner of Pallavaram Municipality and the same is dismissed.



8. In view of the decision of the Division Bench of this Court in ***Syed Rafiullah*** case, which is squarely attracted to the case on hand, the impugned order is set aside and a direction is issued to the second respondent to issue fresh birth certificate to the petitioner's son by mentioning the mother's name as Naziya Nishad, within a period of four (4) weeks from the date of receipt of a copy of this order.

9. The writ petition is allowed in the above terms. No costs.

06-11-2025

Tsg
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

WEB COPY

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
2. The City Health Officer,
Greater Chennai Corporation,
Chennai – 600 003.
3. The Zonal Health Officer – Zone - IX,
Corporation of Chennai
Nungambakkam, Chennai - 600034.
4. Registrar of Birth and Deaths,
Division 117 Zone 9,
Corporation Of Chennai,
Nungambakkam, Chennai – 600 034.



WEB COPY

WP No. 4779 of 2024



M.DHANDAPANI J.
Tsg

WP No. 4779 of 2024

06-11-2025