



W.P. No.44593/2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATE : 24.11.2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**W.P. NO.44593 OF 2025**

Mrs. Amin Ryhana M.I.

.. Petitioner

**- Vs -**

1. The Registrar (Birth & Death)  
Tambaram Corporation  
Zone – 2, Chrompet  
Chennai 600 044.

2. V.Purushothaman

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari quashing the birth certificate registration No.B-2018 : 33-4519-000453 date of issue 24.01.2025 also quashing the refusing letter of the 1<sup>st</sup> respondent and pass an order to the 1<sup>st</sup> respondent to issue to the petitioner's daughter a new birth certificate reflecting the petitioner's daughter's father current name as Mohammed Bilal and initial instead of Purushothaman.

For Petitioner : Mr.M.Shahul Hameed



W.P. No.44593/2025

WEB COPY

### **ORDER**

Assailing the rejection of the application of the petitioner with regard to correction in the name of the father with respect to the daughter of the petitioner, who was born out of the wedlock between the petitioner and the 2<sup>nd</sup> respondent, the present writ petition has been filed.

2. It is the case of the petitioner that upon conversion of the 2<sup>nd</sup> respondent from the Hindu religion to Islam, the petitioner and the 2<sup>nd</sup> respondent entered into wedlock on 10.05.2015. It is averred that the 2<sup>nd</sup> respondent, prior to his marriage with the petitioner had changed his name from Purushothaman to Mohammed Bilal and the same was duly accepted by the South India Ishathul Islam Society. Though the petitioner had requested the 2<sup>nd</sup> respondent to change his name by giving gazette notification, the 2<sup>nd</sup> respondent had been dragging on the matter.

3. After their marriage, the 2<sup>nd</sup> respondent embraced Islam and followed all the customs and traditions and through the wedlock, a female child was born



W.P. No.44593/2025

WEB COPY

on 6.11.2018, which was named as Faizah Fathima. However, at the time of the petitioner's delivery, the hospital administration entered the name of the child's father in their record as Purushothaman instead of Mohammed Bilal, which is the root cause of the present issue, as the 1<sup>st</sup> respondent considered only the certificate issued by the hospital and failed to consider the religious conversion certificate, certifying that the 2<sup>nd</sup> respondent had converted to Islam.

4. It is the further case of the petitioner that since the year 2020, the 2<sup>nd</sup> respondent acted in a strange manner and he abandoned the petitioner and their child and that the petitioner was forced to reside at her parental home. Since the 2<sup>nd</sup> respondent did not take care of the petitioner and their child, the petitioner sent a Khula nama (mutual divorce by women), which was accepted by the 2<sup>nd</sup> respondent and acknowledged in written on 20.7.2024 and, accordingly, as per the Muslim law, divorce was effected from 20.07.2024.

5. Since the 2<sup>nd</sup> respondent abandoned the petitioner as also their child and did not take care of them properly, the petitioner was forced to stay with her parents. In view of the fact that the name of the 2<sup>nd</sup> respondent in the birth



W.P. No.44593/2025

WEB COPY

certificate of her child had been wrongly entered, the child would not be entitled to the reservation guaranteed under the Constitution and, therefore, the petitioner made an application to the 1<sup>st</sup> respondent to correct the name of the father of the child as Mohammed Bilal from that of Purushothaman, however, the same was rejected by the 1<sup>st</sup> respondent vide the impugned communication, which had prompted the petitioner to come before this Court through the present writ petition.

6. Learned counsel appearing for the petitioner submits that inspite of the fact that the 2<sup>nd</sup> respondent, even prior to his marriage had changed his name to that of Mohammed Bilal, which has been recorded before the South India-Ishathul Islam Society, however, the name of the 2<sup>nd</sup> respondent had been given as Purushothaman in the birth certificate of the child born out of wedlock of the petitioner with the 2<sup>nd</sup> respondent.

7. It is the further submission of the learned counsel that if the name of the father in the birth certificate of the child is not changed, though on and from the marriage, the 2<sup>nd</sup> respondent was under the name of Mohammed Bilal and



W.P. No.44593/2025

WEB COPY

merely because the hospital has made an error in marking the name of the father, that cannot be put against the child, as otherwise the child would be deprived of the benefits of reservation which is guaranteed by the Constitution.

8. It is the further submission of the learned counsel that in view of the fact that the marriage with the 2<sup>nd</sup> respondent did not work out, the petitioner gave Khula nama, which was accepted by the 2<sup>nd</sup> respondent and acknowledged on 20.7.2024 and divorce was effected from 20.07.2024.

9. It is the further submission of the learned counsel that inspite of the divorce, the petitioner did not demand for any maintenance nor the 2<sup>nd</sup> respondent paid any maintenance to the petitioner and their child. In fact, the 2<sup>nd</sup> respondent, even in the passport application, had mentioned that he is unmarried, thereby had given false information, which clearly shows that by the marriage, the 2<sup>nd</sup> respondent was only intending to cheat the petitioner.

10. It is the submission of the learned counsel that only to defeat the rights of his child and also to cause detriment to the petitioner, the 2<sup>nd</sup>



W.P. No.44593/2025

respondent has not changed his name and, in fact, the hospital had made an error while recording the name of the parents of the child, which has resulted in the name of the 2<sup>nd</sup> respondent being wrongly recorded and, therefore, the petitioner had made an application for correcting the name. However, without properly appreciating the aforesaid facts and the documents placed before it, the 1<sup>st</sup> respondent had rejected the application, which deserves to be interfered with.

11. This Court heard the learned counsel for the petitioner. In view of the order which this Court proposes to pass, notice to the respondents is dispensed with.

12. It is the specific case of the petitioner that her marriage with the 2<sup>nd</sup> respondent took place on 10.05.2015 in the presence of her relatives and the marriage certificate was issued by the Chief Kazi vide registration No.8769/2012 dated 10.05.2015. It is the further case of the petitioner that prior to the marriage, the 2<sup>nd</sup> respondent not only converted to Islam but also changed his name from Purushothaman to Mohammed Bilal, though not changed the same by making gazette publication inspite of the repeated requests of the petitioner.



W.P. No.44593/2025

WEB COPY

However, as there was matrimonial discord, it led to Khula nama being given by the petitioner and accepted by the 2<sup>nd</sup> respondent.

13. In the aforesaid factual aspect of the case, this Court is of the considered view that the materials on which the name change is sought to be prayed on is not admissible for this Court to give any specific direction to the 1<sup>st</sup> respondent.

14. It is even the case of the petitioner that the 2<sup>nd</sup> respondent has not given any gazette publication for changing his name and the mere fact that some document of a registered Islamic society is placed before this Court to plead that the 2<sup>nd</sup> respondent had changed his name as Mohammed Bilal cannot form the basis for giving any affirmative direction to change the name of the father of the child in the birth certificate. The documents towards name change, which have been placed by the petitioner are not contemporaneous materials based on which direction can be given by this Court to the 1<sup>st</sup> respondent. Unless there are contemporaneous records, which clearly establish that the 2<sup>nd</sup> respondent has changed his name, merely on the basis of certain records issued by a Islamic



W.P. No.44593/2025

WEB COPY

society cannot form the basis to change the name of the 2<sup>nd</sup> respondent, as it relates to the identity of the 2<sup>nd</sup> respondent, which cannot be interfered with by this Court unless it is made out through proper materials.

15. Further, on the basis of the materials available on record, the 2<sup>nd</sup> respondent cannot be considered to be a person, who has converted to Islam, but is still a practicing Hindu, even according to the petitioner, and his name has not been changed by means of any gazette publication, which alone could be the basis to hold that the 2<sup>nd</sup> respondent has changed his name. Even if this Court is to accept that the 2<sup>nd</sup> respondent had married the petitioner by changing his name, however such name change, unless it is published in the Government gazette cannot form the basis to have the name of the 2<sup>nd</sup> respondent corrected in the birth certificate of the child of the petitioner and the 2<sup>nd</sup> respondent.

16. Further, it is to be noted that the marriage of the petitioner and the 2<sup>nd</sup> respondent is alleged to have taken place on 10.05.2015 as per Muslim rites and customs, but there is no material evidencing the fact that the 2<sup>nd</sup> respondent



W.P. No.44593/2025

WEB COPY

had embraced Islam. As stated above, it is the case of the petitioner that even as on date the 2<sup>nd</sup> respondent is a practicing Hindu and such being the case, this Court is at a loss to understand as to how Khula nama is permissible in the case of divorce between the petitioner and the 2<sup>nd</sup> respondent, who are admittedly of different religions.

17. It is further not the case of the petitioner that upon their marriage, their marriage has been registered under the Special Marriage Act. In fact, it is the specific case of the petitioner that the marriage between the petitioner and the 2<sup>nd</sup> respondent was done as per Muslim rites and customs and the fact that the 2<sup>nd</sup> respondent has not converted himself to Islam and is still a practicing Hindu, the divorce, alleged to have been granted by the Chief Kazi by invoking the Muslim Personal law with regard to a marriage between a Muslim and Hindu is impermissible and such a divorce is not a divorce in the eye of law.

18. Further, one other important aspect which also requires to be looked into is the fact that the marriage between the petitioner and the 2<sup>nd</sup> respondent was solemnized on 10.5.2015 and out of the wedlock, the girl child was born to



W.P. No.44593/2025

WEB COPY

the petitioner and the 2<sup>nd</sup> respondent on 6.11.2018 and the said birth was registered on 21.11.2018. The alleged divorce between the petitioner and the 2<sup>nd</sup> respondent was granted on 20.07.2024, whereinafter alone, the petitioner has made a representation on 5.5.2025 to the 1<sup>st</sup> respondent seeking for change of name of the father of the child in the birth certificate.

19. If really the name of the 2<sup>nd</sup> respondent was changed as Mohammed Bilal before marriage immediately upon the birth of the child and registration of the said birth, the petitioner ought to have moved the 1<sup>st</sup> respondent for name change by submitting the aforesaid records. However, the petitioner has not taken any such steps, but had waited all along till 20.07.2024, when the alleged divorce was granted under the Muslim law and about a year after, the petitioner had approached the 1<sup>st</sup> respondent with the representation for name change. By the time the petitioner had sought for name change in the birth certificate, the child was almost seven years old. The delay on the part of the petitioner in approaching the 1<sup>st</sup> respondent though fatal to the case, the circumstances and the facts pointed out above are detrimental to the case of the petitioner and the prayer of the petitioner for change of name of the 2<sup>nd</sup> respondent in the birth



W.P. No.44593/2025

WEB COPY

certificate of the daughter born to the petitioner and the 2<sup>nd</sup> respondent cannot be permitted and rightly pointing out the legal position, the 1<sup>st</sup> respondent had rejected the representation of the petitioner, which cannot be said to be erroneous or perverse.

20. For the reasons aforesaid, there are no merits in the present petition and, accordingly, the same is dismissed.

**24.11.2025**

Index : Yes / No

GLN

To

The Registrar (Birth & Death)  
Tambaram Corporation  
Zone – 2, Chrompet  
Chennai 600 044.



WEB COPY



W.P. No.44593/2025

**M.DHANDAPANI, J.**

**GLN**

**W.P. NO.44593 OF 2025**

**24.11.2025**



WEB COPY



W.P. No.44593/2025