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WP.No.347 of 2025



DATED: 16.06-2025

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THE HONOURABLE MRS JUSTICE N.MALA

WP.No.347 of 2025

P.Logeshwaran,

Rep. by his Power of Attorney, Mr.C.Manoharan,

No.15/6A, Kalyan Nagar, 4th Cross Street,

West Tambaram, Chennai -45.

.... Petitioner

Vs

1.The Commissioner,

Tambaram City Municipal Corporation, No.1

Muthuranga Mudali Street,

West Tambaram, Chennai - 600 045.

2.The Assistant Commissioner,

Tambaram City Municipal Corporation,

Zone-5, No. 55/10, Gengai Amman Kovil,

Erikkarai Street, East Tambaram,

Chennai - 600 059.

3.Sanitary Officer,

Birth and Death,

Tambaram City Municipal Corporation,

Zone-5, No. 55/10, Gengai Amman Kovil,

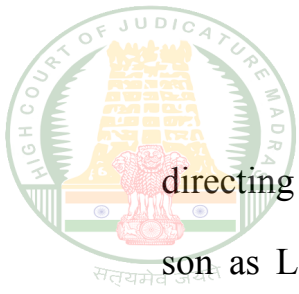
Erikkarai Street, East Tambaram,

Chennai - 600 059.

...Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India,

praying for the issuance of a direction in the nature of Writ of Mandamus,



directing the Respondents to carry out the new name of the Petitioner's Minor son as L.Nimalan instead of L.M.Nimal Aadhvik, consequently issue a fresh birth certificate incorporating the name L.Nimalan, within a time frame fixed by this Court based upon the representation of the Petitioner dated 30.07.2024 and 05.09.2024 and pass such further orders.

For Petitioner: Mr.N.Sivaprakash

For Respondents: Mr.P.Srinivas,
Standing Counsel
for R1 & R2

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the Respondents to carry out the new name of the Petitioner's Minor son as L.Nimalan instead of L.M.Nimal Aadhvik and consequentially issue a fresh birth certificate incorporating the name L.Nimalan, within a time frame fixed by this Court based upon the representation of the Petitioner dated 30.07.2024 and 05.09.2024.

2. The petitioner's son-in-law appointed the petitioner as his power agent under a power of attorney deed dated 24.09.2016. The Petitioner has a



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grandson originally named L.M.Nimal Aadhvik, through his daughter, born on 03.01.2016. In 2024, the child's name was officially changed to L. Nimalan and published in the Tamil Nadu Government Gazette, dated 12.06.2024. A request was made through a letter dated 30.07.2024, to the first Respondent for name correction in the Birth Certificate, but no action was taken. Subsequently, the Petitioner approached the first and second respondents in person and submitted another representation on 05.09.2024 with necessary documents. Despite these efforts, the authorities did not act upon the request. The petitioner states that the delay in effecting the name change has affected the renewal of the child's Visa as the family resides in the United States.

3. The petitioner states that the respondents, being statutory authorities, are obligated to act upon the petitioner's representations within a reasonable time. The inaction is arbitrary and contrary to the directions issued in similar case in W.P.(MD) No.3855 of 2022, which followed the Division Bench judgment in W.A.No.670 of 2016. Despite proper procedure being followed and documents being submitted, the authorities failed to update the name in the



Birth Certificate, causing serious practical difficulties. Hence, this case.

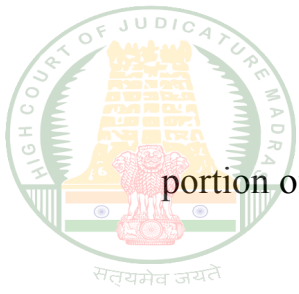
WEB COPY 4. A counter affidavit was filed by respondents 2 and 3 dated 09.01.2025

and the relevant portion is extracted hereunder:

“7. It is for the individual concerned to effect the changes in the documents that are prepared or issued after the Publication in the Government Gazette and the said change cannot be imposed upon the Birth Records that were entered at the time of the Birth. It is for the concerned person to use the Gazette Publication as the proof for the change in the name and this change carried out as per their unilateral wishes cannot be entered on prior records, namely the Birth Register. If such changes are allowed, then the sanctity of the Birth Register will be affected and any person who has had a change of mind or some one in order to escape the consequences of any eventuality which can be traced to him with the name can simply change their name by publication in the Gazette and change the entry in the Birth register and frustrate the rights of others and escape any liability that may be traced to them by making changes to the Birth register.”

6. Heard both sides and perused the materials available on record.

7. The issue involved in the present writ petition is squarely covered by the judgment of the Division Bench of this Court in **W.A.No.670 of 2016 (The Commissioner, The Pallavaram Municipality Vs. S.K.Syed Rafiullah and Ors.)** dated 10.06.2016, reported in MANU/TN/1628/2016. The relevant



portion of the judgment is extracted hereunder:-

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“3. 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 above said Act. As such, we do not find any merit in the appeal filed by the Commissioner of Pallavaram Municipality and the same is dismissed. Accordingly, the writ appeal is dismissed. The appellant-Commissioner of Pallavaram Municipality is to do the needful as directed by the learned Single Judge within a period of fifteen days from today and issue the Birth Certificate afresh after changing the name and retaining the same date of birth as mentioned in the original entry. No costs. The connected miscellaneous petition is also dismissed.

8. In view of the above facts and circumstances of the case and the ratio laid down by this Court, **the respondent is directed to carry out the new name of the Petitioner's Minor son as L.Nimalan instead of L.M.Nimal Aadhvik, based upon the representation of the Petitioner dated 30.07.2024 and 05.09.2024 within a period of four (4) weeks from the date of receipt of a copy of this order. It is needless to state that other entries in the birth certificate shall not be changed.**

9. In the result, the **writ petition stands disposed of with the above**



observations and direction. No costs.

16.06.2025

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Index : Yes /No

Speaking Order : Yes/No

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