



W.P.(MD).No.3173 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.3173 of 2025

P.Suriya Narayanan

.. Petitioner

Vs.

1.The Commissioner,
Ramanathapuram Municipality,
Vandikara Street,
Ramanathapuram.

2.The Registrar,
Birth and Death Registration,
Ramanathapuram Municipality,
Vandikara Street,
Ramanathapuram.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining order in Na.Ka.No.2943/2024/H1 dated 27.01.2025 passed by the 1st respondent and quash the same as illegal and direct the respondents to remove the name Saravanan in name of the father's column and insert P.Suriya Narayanan in the father's name column in the birth Certificate dated 28.09.2023 issued by the 2nd respondent.

(Prayer amended vide Court order dated 19.02.2025 in W.M.P.(MD).No.3341 of 2025 in W.P.(MD).No.3173 of 2025)



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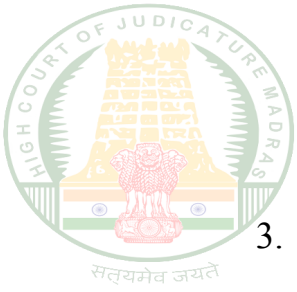
For Petitioner : M/s.N.Juliet Latha

For Respondents : Mr.K.Saravanan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in Na.Ka.No.2943/2024/H1 dated 27.01.2025 and consequently, direct the respondents to remove the name Saravanan in name of the father's column and insert P.Suriya Narayanan in the father's name column in the Birth Certificate issued by the second respondent dated 28.09.2023.

2. The petitioner claims that he married one Amutha, on 23.08.2009. From the wedlock, a son was born on 24.10.2012. The petitioner has two names, namely, Saravanan and Suriya Narayanan. His official name is Suriya Narayanan and he is also known as Saravanan to his friends and relatives. Unfortunately, at the time of registration of his child's birth, his mother-in-law gave the name of the father of the child as Saravanan. The petitioner, noticing this error, approached the second respondent to correct his name in the birth certificate issued to his child. As the respondents did not take any action, he has come forward with the present Writ Petition.



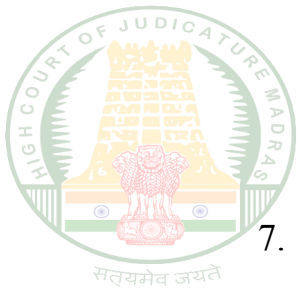
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3. Taking note of the prayer, I requested Mr.K.Saravanan appearing for the respondents to get instructions from his clients and to make his submissions on the same.

4. Mr.K.Saravanan states that the respondents informed him that the issue is covered by the clarification issued by the Director of Public Health and Preventive Medicine, Chennai, dated 18.07.2001. He places the clarificatory letter before this Court.

5. I have gone through the said letter. A clarification has been issued by the Director of Public Health and Preventive Medicine to a query, that has been raised by the Municipal Commissioners as to what action they should take when the name of the child or parents are to be changed, subsequent to the notifications, issued in the Government Gazette. The Director has replied that if the names are changed and a gazette notification is published, then the gazette notification should be used for all purposes as a proof of name.

6. The submission of Mr.K.Saravanan on the basis of this Circular is that the petitioner would have to change his name in the gazette and only thereafter, amendment will be carried out in the birth certificate.



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7. I am afraid, the submission of Mr.K.Saravanan is way off mark. A person is entitled to change his name and give himself a new name, as and when, he pleases. The manner of doing so is by notifying in a Government gazette and in a daily. The clarification, that has been issued by the Director, relates to a circumstance when a person voluntarily changes his name or changes the name of a child. I am not in a position to apply the said clarification to the facts of the present case for the simple reason that it is not the case of the writ petitioner that he was called 'Saravanan' originally and changed his name to 'Suriya Narayanan' later. It is his clear and categorical case that he was always called as 'Suriya Narayanan' for all official purposes and was known as 'Saravanan' amongst his friends and relatives. The recording of the father's name in his child's birth certificate as Saravanan is an error. He wants to correct this error.

8. Under Section 15 of the Registration of Births and Deaths Act of 1969, power is given to the Registrar to correct any erroneous entry, that is made in, the entry of birth or in the entry of death. The Registrar, prior to coming to the conclusion that the error requires to be rectified, would have to come to a conclusion that it had been fraudulently or improperly made. If he comes to the conclusion that it had been so made, he is entitled to correct the error without any alteration of the original entry. Therefore, the appropriate action that the



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respondents should have taken is to verify the records, that have been produced by the petitioner to state his official name as Suriya Narayanan and his nickname, as it were, as Saravanan and that the latter name had been improperly given by his mother-in-law and it has to be corrected to his official name of Suriya Narayanan.

9. In the light of the above discussion, the impugned order is quashed. The matter is remitted to the first respondent. The first respondent shall cause an enquiry in terms of Section 15 of the Registration of Births and Deaths Act of 1969 and shall pass appropriate orders on the same.

10. Mr.K.Saravanan states that the enquiry will be completed within a period of two weeks.

11. The first respondent shall conduct an enquiry within a period of two (2) weeks from the date of uploading of this order on the website of this Court. The writ petitioner is permitted to produce a web copy of this order to the first respondent to enable him to commence the enquiry. The first respondent shall report to this Court, the result of such enquiry.

12. With the above direction, this Writ Petition is allowed. There shall be no order as to costs.



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WEB COPY 13. Post the matter for reporting compliance on 19.03.2025.

26.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The Commissioner,
Ramanathapuram Municipality,
Vandikara Street,
Ramanathapuram.

2.The Registrar,
Birth and Death Registration,
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V.LAKSHMINARAYANAN,J.

Lm

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