



W.P(MD)No.16444 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.16444 of 2025

M.Pandi Selvi

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Srivilliputtur Municipality,
Virudhunagar District.

3.The Registrar of Birth and Death,
Srivilliputtur Municipality,
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his proceedings in Na.Ka.No.1313/2025/H1 dated 22.04.2025 and quash the same as illegal arbitrary, violation of law and further direct the respondent 2 and 3 to issue a birth certificate of petitioner's daughter as K.Asvitha in View of representation dated 05.04.2025 within the stipulated time fixed by this court.



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For Petitioner : Mr.M.Jothi Basu
For R1 : Mr.K.R.Badurus Zaman
Government Advocate
For R2 & R3 : Mr.J.Parekh Kumar
Standing Counsel

ORDER

The petitioner has challenged the impugned communication/order passed by the second respondent, whereby, the request of the petitioner to change the name of the petitioner's minor daughter from K.Rudhrani to K. Asvitha was rejected on the ground that there is no scope for changing the name in the Birth register under Section 15 of the Registration of Births and Deaths Act, 1969.

2. The learned counsel for the petitioner has placed a reliance on the decision of this Court in the case of ***R.Chandrakala Vs The Commissioner, Salem Corporation, Salem and others (W.P(MD)No.25124 of 2024)***. The operative portion of the order reads as under:

4. It is relevant to extract the provisions under Section 15 of the Registration of Birth and Death Act, 1969 as follows:-

“ 15. Correction or cancellation of entry in the register of births and deaths- 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 this Act is erroneous in form or substance, or has been fraudulently



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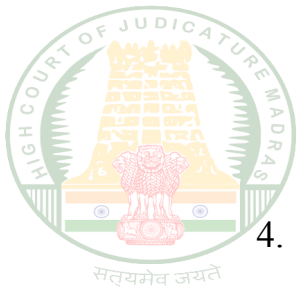
or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”

Thus, it provides for correction of any entry in the register if it is proved erroneous.

5. Admittedly, the petitioner's daughter name was changed as R.Pujalakshmi as per the gazette notification. Her Aadhar card and other school records shows that the petitioner's daughter name is R.Pujalakshmi. As per the above said provision, the second respondent is empowered to correct any error in the certificate. Therefore, without even considering the above provision, mechanically rejected the petitioner's application to correct her daughter's name in the birth certificate. It is against the provisions under Section 15 of the Registration of Birth and Death Act, 1969. Further, no prejudice will be caused to the respondents, if the name of the petitioner's daughter is corrected as R.Pujalakshmi in the birth certificate.

6. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order passed by the first respondent dated 28.06.2024 in Na.Ka.No. H6/14199/2023, is hereby quashed. The first respondent is directed to correct the error in the birth register and issue birth certificate for the petitioner's daughter as R.Pujalakshmi, within a period of two weeks from the date of receipt of a copy of this order.

3. I have considered the arguments advanced by the learned counsel for the petitioner, the learned counsel for the respondents and also perused the affidavit filed in support of the petition and documents filed along with the writ petition.



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4. There is no dispute at the time of registration of birth of the petitioner's daughter on 11.10.2017, the name was given as K.Rudhrani.

However, the petitioner has decided to change the name as K.Asvitha. To that effect, the petitioner has also effected a Gazette publication in Gazette No.25, Part VI Section 4, dated 22.06.2022. Below the aforesaid gazette publication, date has given as 13.06.2022, Virudhunagar at Serial No.11467, which reads as under:

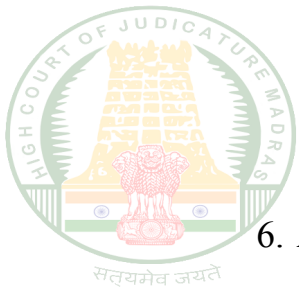
Madurai, 13th June 2022

11467. My daughter, K.Rudhrani, daughter of Thiru.G.Krishnan, born on 11th October 2017 (District of Birth:Virudhunagar), residing at Nakkamangalam Colony, Achankulam, Srivilliputhur Taluk, Virudhunagar -626 141, shall henceforth be known as K.Asvitha.

*M.Pandiselvi
(Mother)*

Virudhunagar, 13th june 2022.

5. The interpretation placed by the respondents on Section 15 of the Registration of Birth and Deaths Act, 1969 and Rules, stating that only cancellation and corrections can be made and no alternation is made cannot be countenanced. The expression cancellation and correction would include even the substitution of the name. Hence, the interpretation placed by the respondents is incorrect and the impugned order is liable to be quashed.



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6. Accordingly, the impugned stands quashed and the respondents are directed to effect suitable corrections in the Birth register by altering the name of the petitioner's daughter to K.Asvitha within a period of 30 days from the date of receipt of a copy of this order.

7. The writ petition stands allowed. There shall be no order as to costs.

19.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Commissioner,
Srivilliputtur Municipality,
Virudhunagar District.
- 3.The Registrar of Birth and Death,
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C.SARAVANAN, J.



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