



W.P.(MD)No.17261 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.17261 of 2024

and

W.M.P.(MD)No.14874 of 2024

Dhanalashmi

... Petitioner

/Vs./

1. The District Collector
Madurai District,
Madurai.

2. The Commissioner
Madurai Corporation,
Madurai City.

3. C. Varadharajan,
(R3 is impleaded vide Court order
dated 06.12.2024)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in H5/006458/23 dated 31.08.2023 and quash the same and consequently direct the respondents to re-issue the birth certificate to the petitioner's children namely Kamali and Vasanthakumar by correcting the father's name as C.Varatharajan instead of Muthu.



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For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.D.Gandhi Raj
Special Government Pleader for R1
: Mr.S.Vinayak, Standing Counsel for R2
: Mr.N.Dilip Kumar
for Mr.P.Mahendra Pandi for R3

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 31.08.2023, thereby, rejecting the request made by the petitioner to re-issue the birth certificate of her children, mentioning the name of the third respondent as father instead of one Muthu.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner got married to one C.Varatharajan @ Muthu and gave birth two children. Thereafter, her husband, viz., C.Varatharajan @ Muthu, who is the third respondent herein got married with another



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woman by deserting the petitioner and her children. After birth of her children, their births were registered by mentioning the third respondent's name as Muthu. Therefore, the petitioner submitted representation to implead the third respondent as father instead of Muthu.

4. On perusal of the counter filed by the third respondent and on submissions made by the learned counsel for the respondents, it revealed that the petitioner originally got married with one Muthu. After their wedlock, they gave birth two children and their birth were duly registered by mentioning father's name as Muthu. After registration, they have issued birth certificate mentioned as Muthu. After their birth, the petitioner had relationship with the third respondent. After the marriage of the third respondent with another woman, the petitioner is living with her husband Muthu, under the same shelter. In order to extract money from the third respondent, the petitioner now wants to add the third respondent's name as father in the birth certificate of her children.

5. That apart, according to the petitioner, she got married with the third respondent on 20.08.2004, whereas, the first child was born on



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20.05.2005. Therefore, it is not possible to gave birth on 20.05.2005, if the petitioner got married with the third respondent on 20.08.2004. Therefore, the disputed question of facts cannot be settled here that too under Article 226 of the Constitution of India. Further, the petitioner also failed to produce any proof that she got married with the third respondent and gave birth to the children.

6. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. However, the petitioner is at liberty to approach the civil Court to declare as she is the legally wedded wife. If she succeeds, she can very well approach the second respondent for change of her husband's name in the birth certificate of her children. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
LS

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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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