



W.A(MD) No.1687 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.1687 of 2025
and
C.M.P.(MD)No.9437 of 2025**

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Registrar (Birth & Death)
Madurai Corporation,
Madurai.

3.The Municipal Welfare Officer,
Madurai Corporation,
Madurai.

... Appellant / Respondents

Vs.

Manicka Pradeepa

... Respondent / Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 08.06.2023 made in W.P.(MD)No. 5759 of 2023 on the file of this Court.



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For Appellants : Mr.S.Vinayak

For Respondent : Mr.K.Dinesh
for R1

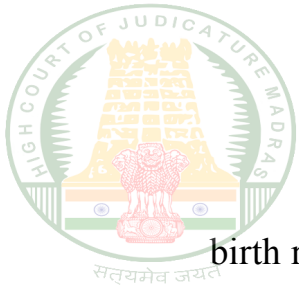
Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.A.Kannan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The Commissioner, Madurai Corporation questions the order dated 08.06.2023 made in W.P.(MD)No.5759 of 2023 filed by the respondent herein. The respondent has a male child born on 02.05.2022 at Government Rajaji Hospital, Madurai. He was initially named as K.Sai Sharvanesh. This name was entered in the birth register maintained by the appellant corporation. In fact, such a formal certificate was issued by the corporation on 20.06.2022. Subsequently, for sentimental reasons, the respondent wanted to rename her child as K.Amuthan. In fact, the name change was also duly published in the Tamil Nadu Gazette Notification dated 07.09.2022. Thereafter, the respondent approached the corporation officials for carrying out the said name in the

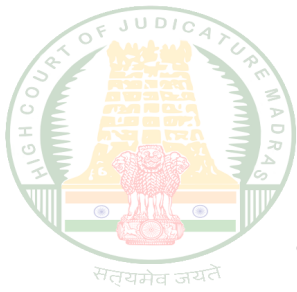
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birth register. The Madurai Corporation rejected the respondent's request vide letter dated 08.03.2023. Challenging the same, the respondent filed W.P.(MD)No.5759 of 2024. Before the learned single Judge, the learned standing counsel pointed out that Rule 11 of the Tamil Nadu Registration of Birth and Death Rules, 2000, permits correction or cancellation of entry in the register of births and deaths under Section 15 of the Act only if the Registrar notices that there is a clerical or formal error. The learned Judge, even while agreeing with the said contention, was of the opinion that quite a few Division Benches of the Madras High Court had taken a view that such name correction is possible in the register and in order to maintain consistency, the learned Judge felt it necessary to allow the writ petition. Challenging the said order dated 08.06.2022, this writ appeal has been filed.

2.Our attention is drawn to Section 15 of the Registration of Births and Deaths Act, 1969. It reads as follows:-



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“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 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.”

3.We are satisfied that only if the entry of birth or death in the register is erroneous in form or substance, or has been fraudulently or improperly made, subject to rules, then alone, correction can be made. Rule 11 of Tamil Nadu Registration of Birth and Death Rules, 2000 is as follows:-

“11. Correction or cancellation of entry in the register of births and deaths under section 15

(1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in his possession, the Registrar shall enquire into the matter



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and if he is satisfied that any such error has been made, he shall correct the error (by correcting or canceling the entry) as provided in section 15 and shall in the case of local authorities specified in column (1) of the Table below send an extract of the entry showing the error and how it has been corrected to the officer specified in column (2) thereof.

TABLE

Local Authorities	Officers
Village Panchayat	Village Panchayat President
Town Panchayat	Executive Officer
Contonment	-Do
Municipality	Commissioner
Neyveli Lignite Corporation	Chief Health Officer
Corporation	Commissioner

(2) In the case referred to in the sub-rule (1) if the register is not in his possession, the Registrar shall make a report to the officer specified in the table in sub-rule (1) and call for the relevant register and after enquiring into the matter, if he is satisfied that such error has been made, necessary correction.

(3) Any such correction as mentioned in sub-rule (2) shall be countersigned by the officer specified in the Table in sub-rule (1) in this behalf when the register is received from the Registrar.

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person a



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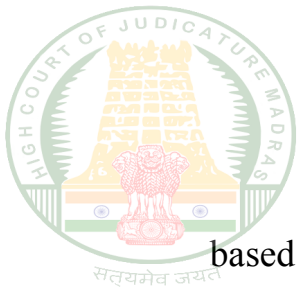
declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.

(5) Notwithstanding anything contained in sub-rules (1) and (4), the Registrar shall make a report of any correction of the kind referred to therein giving necessary details to the officer specified in the table in sub-rule (1).

(6) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly made, he shall make a report giving necessary details to the officer authorized by the Chief Registrar by general or special order in this behalf under section 25 and on hearing from him take necessary action in the matter.

(7) In every case in which an entry is corrected or cancelled under this rule, intimation thereof should be sent to the permanent address of the person who has given information under section 8 or section 9.”

4. We are therefore of the view that the integrity of the register cannot be tinkered with. It has to be maintained as such. If the original entry made in the register is permitted to be casually altered or changed, it will lead to several undesirable consequences. Possibility of manipulation can never be ruled out. Even untenable claims can be made



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based on such entries. We are therefore of the view that the register has to be maintained as such and it can be altered only in the circumstances mentioned in Section 15 of the Act and Rule 11.

5.At the same time, we cannot shut our eyes to circumstances where parents wish to change the name of their child or a person wants to give himself/herself a new name. The Hon'ble Supreme Court in ***Jigya Yadav Vs. CBSE (2021 (7) SCC 535)*** held that the name is an intrinsic element of identity and that the expression of such identity is a protected element of freedom of expression under the Constitution. In order to give effect to such constitutionally guaranteed right, it is for the legislature to bring in suitable amendments to lay down the procedure to be followed in such cases. A learned Judge of the Hon'ble Karnataka High Court in ***Adhrith Bhat Vs. The Registrar of Births and Deaths Udupi City Municipality Council*** reported in MANU/KA/0389/2025 delineated the procedure to be followed till the legislature takes a view in the following terms:



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“27. This could be achieved by calling upon the parents to give a sworn affidavit to the effect that they have changed the name of the child on their own accord and the entries in the birth register would be required to be changed accordingly.

28. On such a request being given, the authorities should verify the identity of the parents and proceed to incorporate the changed name in the Register of Births.

29. The authorities, in order to ensure that there is no attempt to create a record for ulterior purposes, should make a remark in the register stating that the name of the child had been changed subsequently pursuant to a request made by the parents. The register would therefore have an entry regarding the name which was originally entered and also a name which was entered subsequently on their request.”

6. We respectfully endorse the approach adopted by the Hon'ble Karnataka High Court in the aforesaid decision. In other words, name change can be made by making suitable endorsements in the original register. When the birth certificate is issued, it need not reflect the original entry. The order of the learned single Judge is accordingly modified.



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WEB COPY 7.The Writ Appeal is partly allowed. No costs.

(G.R.S., J.) (K.R.S., J.)
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AND

K.RAJASEKAR, J.

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