



W.P(MD)No.34137 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.34137 of 2025

A.Ingnansi Mary

... Petitioner

Vs.

1.The Tahsildar,
Rameswaram,
Ramanathapuram District.

2.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram District.

3.Sanitary Inspector,
Government Primary Health Centre,
Thangachimadam,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to issue amended birth certificate for petitioner's son Maria Yousva by incorporating his father name as Andrus.

For Petitioner : Mr.Bhuvana Hariharanathan

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1
: Mr.K.Saravanan
for R2 & R3



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ORDER

Heard both sides.

2. The writ petitioner married one Jerald in the year 2010. Through the wedlock, Maria Yousva was born on 31.05.2011. Jerald passed away on 29.08.2011. Subsequently, the petitioner married one Andrus in the year 2012. Through the second marriage, the petitioner gave birth to two more children. However, in the birth certificate of Maria Yousva, the father's name has been mentioned as Jerald. The petitioner states that her first son is considering Andrus as his own father and therefore, she wants the name of Andrus to be substituted in the father's column in his birth certificate. The petitioner submitted such request to the second respondent. The petitioner wants an amended birth certificate by incorporating the name of the father Andrus as Maria Yousva's father. Since such request was not considered, this writ petition came to be filed.

3. Shri.J.Mathan, Liasoning Officer, in the office of the Government Pleader, Madurai on behalf of the Public Health Department who was watching the proceedings passed on a copy of the order dated 27.02.2024 in W.P.



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(MD)No.30055 of 2025 (Mirunadevi Vs. Commissioner). I had held therein as follows:-

“8.The issue has to be approached from the perspective of the child. The child is treating Thiru.A.Kalidass as her father and vice versa. In the school register, the child bears the initial “N”. The learned counsel for the petitioner during the course of hearing informed me that this is having a grave psychological impact on the child's health. The child is said to be asking why she is not having the initial “K”. It is well settled that when it comes to the affairs of a child, its interest will rank paramount. Courts will not apply technical considerations laid down in the statutes. Courts will be guided by considerations of what is best in the interest of the child.”

4. I place on record my appreciation of Shri.J.Mathan for assisting the Court in an effective manner. The issue has to be approached from the perspective of the child. The child in this case Maria Yousva is treating Thiru.Andrus as his own father and Thriu.Andrus is treating him as his own child. In these circumstances, unless the initial of the child is appropriately modified, it will have a grave psychological impact on the child's health. When it comes to affairs of a child, its interest will rank paramount. The Courts will not go by the technical considerations laid down in the statutes. They will be guided by consideration of what is best in the interest of the child. I therefore direct the second respondent to make the corrections as sought for.



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The second respondent will issue a revised birth certificate by substituting the name of Andrus in the place of Jerald in the column “name of the father” in the child's birth certificate. In the revised certificate, Andrus as the father of the child will be mentioned. The name of Jerald will not be mentioned in the revised certificate. The writ petition is allowed. No costs.

27.11.2025

Index : Yes / No
Internet : Yes/ No
rmi

To

The Tahsildar,
Rameswaram,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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