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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP(MD) No. 30289 of 2026

CNR:{HCMD011448442026}

E.Hariramakrishnan
B-3, 3rd Floor, No.76,
Nelson Manickam Road,
Aminjikarai, Chennai- 29.

..Petitioner(s)

Vs

1. The District Collector,
   Nagercoil,
   Kanyakumari District.

2. The District Health Officer and
   Additional Registrar of the Birth and Death,
   Kumarapuram Village,
   Thovala Taluk, Kanyakumari District.

3. The Joint Director of Health Services,
   Nagercoil, Kanyakumari District.

4. Consultant General of Switzerland,
   102 Maker Chambers IV, 10th Floor,
   222 Jamnalal Bajaj Marg,
   Nariman Point, Mumbai 400 021.

..Respondent(s)

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this Court for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings bearing Na.Ka.No.8343/A7/2026, dated 22.09.2026, passed by the second respondent, quash the same as illegal, arbitrary and contrary to law and consequently direct the respondents to correct the petitioner's name from

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Arikrishnan to his correct name Hariramakrishnan and his date of birth 18.03.1971 instead of his correct date of birth 15.07.1970 as per the relevant records in the Birth Register and the corresponding online records and thereafter issue a fresh Birth Certificate incorporating the petitioner's correct name and date of birth, in respect of the Birth Certificate bearing Certificate No.BC/Thovalai/131/2025, Application No.BA/Thovalai/142/2025 and Serial No.BS/Thovalai/1/2025, so as to enable the petitioner to produce the same before the Swiss Government authorities for the purpose of establishing his correct identity and fulfilling the documentary requirements in connection with his family reunification proceedings, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Lekshmana Abish

For R1 to R3 : Mr.R.Parthiban
Special Government Pleader

ORDER

The petitioner applied for and received a Birth Certificate on 25.06.2025 recording his name as Arikrishnan and his date of birth as 18.03.1971. Contending that the correct name is Hariramakrishnan and that the correct date of birth is 15.07.1970, the petitioner applied for correction of the Birth Certificate. Said application was rejected under the impugned order.

2. Accepting notice for the first to third respondents, Mr.R.Parthiban, learned Special Government Pleader, submits that Section 15 only enables

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the correction of an entry made erroneously. If the petitioner subsequently changed his name, he points out that the same would not qualify as a wrong entry.

3. On perusal of the affidavit in support of this Writ Petition, it appears that the petitioner's case is that his correct name is Hariramakrishnan and that it was erroneously entered in the Birth Certificate as Arikrishnan. Section 15 of the statute reads as under:

> **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.

4. As can be seen from the text of Section 15, any erroneous entry may be corrected, whether the error relates to form or substance. Rule 11 was framed to prescribe the conditions pertaining to correction. On reading the provision and the corresponding rule, it follows that an erroneous entry in the Register of Births and Deaths may be corrected under Section 15, but

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a correct entry cannot be modified by taking into account subsequent developments, such as a subsequent change of name.

5. The impugned order proceeds on the assumption that the petitioner changed his name from Arikrishnan to Hariramakrishnan. The documents on record do not *prima facie* support that assumption. Hence, reconsideration is warranted. Towards that end, the impugned order is set aside and the matter is remanded for reconsideration. After providing a reasonable opportunity to the petitioner, a fresh order shall be issued after taking note of the observations set out in this order. Such fresh order shall be issued within 30 days from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of on the above terms. There shall be no order as to costs.

27-10-2026

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SENTHILKUMAR RAMAMOORTHY, J.

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