



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.14825 of 2016

and

W.M.P.10961 of 2016

I.Vinil Sathish

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondent from insisting Court order for legal adoption to the petitioner's daughter V.Flora Poppy Evangelin and to issue passport to his minor daughter based on the application in Ref.No.13-1009542821 and file No.2069465595316 within the time stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam

For Respondent : Mr.C.Nandagopal

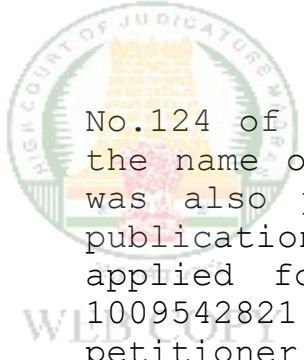
ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. By consent, the Writ Petition itself is taken up for final disposal.

3. The petitioner fled this Writ Petition seeking a direction forbearing the respondent from insisting a Court order for legal adoption of his daughter V.Flora Poppy Evangelin and to issue passport to his minor daughter based on the application in Ref.No.13-1009542821 and file No.2069465595316, within a stipulated time.

4. According to the petitioner, he is a Christian Pastor. He and his wife have adopted a female child by name S.M.Sterling Alsa, from her biological parents by means of a registered adoption deed registered before the Sub-Registrar, Nagercoil vide document



No.124 of 2011, dated 15.03.2011. After adoption, he changed the name of his daughter as V.Flora Poppy Evangelin and the same was also published in the Tamil Nadu Government Gazette, vide publication, dated 04.09.2013. Subsequently, on 19.10.2013, he applied for passport to his daughter vide application No.13-1009542821. Thereafter, the respondent issued a notice to the petitioner directing him to appear for enquiry regarding legality of the adoption of his daughter and the petitioner also appeared and explained all the facts. But, not satisfying with that explanation, the respondent issued a letter dated 30.06.2016 asking him to produce a Court order for legal adoption of his daughter. Hence, he has filed this Writ Petition.

5. The learned counsel for the petitioner submitted that there is no Law of Adoption for Christianity. Further, the respondent has no power or authority to insist the petitioner to produce a Court order to prove adoption. For that, he relies upon the judgment of this Court reported in 2015(2) CTC 503 (*B.S.Deepa vs. The Regional Passport Officer, Chennai*).

6. Heard the submissions and perused the materials available on record.

7. Since the respondent directed the petitioner only to appear for enquiry and also advised him to furnish a Court order to prove legal adoption of his daughter, the petitioner is directed to appear before the respondent and submit his explanation and to produce the judgment of this Court relied upon by him. On such production, the respondent is directed to consider the same and take a decision in accordance with law. The above such exercise should be completed within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To
The Regional Passport Officer, Regional Passport Office,
Bharathi Ula Veethi, Race Course Road, Madurai - 625 002.
+One cc to Mr.D.Selvanayagam, Advocate, SR.No.55260
pm
RL/3C/2P/SK/SKN/7.10.2016

W.P(MD)No.14825 of 2016