

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.18593 of 2019

K.Suresh

... Petitioner

Versus

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the 2nd respondent to consider and pass orders on the representation made by the petitioner dated 12.12.2018 relating to issuance of Birth certificate, include the petitioner and his wife as a parents of the new born adopted female child namely "Thariga Piri".

For Petitioner : Mr.Chandrasekaran.R
For R1 : Mr.D.Suriyanarayanan
Addl.Government Pleader

सत्यमेव जयते
O R D E R

This writ petition is filed to register the name of the adopted parents in the birth certificate of the child Thariga Piri.

2.It is contended by the petitioner that they have adopted the child in the year 2016 and the child is brought up by them. In the birth certificate natural parents name is not mentioned, since they have adopted the child as natural parents and the name may be incorporated in the birth certificate. The petitioner's representation to the second respondent has not been considered. Hence, the petitioner seeks Mandamus to incorporate the name of the petitioner as the parents of the child Thariga Piri.

3.From the affidavit, this Court finds that the alleged adoption of the child is not as per the provision and it is a private affair between the natural mother and the petitioner herein. For legalising the said adoption, the petitioner has to undergo the process contemplated under Section 44 of the Juvenile Justice (Care and Protection of Children) Act, 2015 or Hindu Adoption and Maintenance Act, 1956. This Court under Article 226 of the Constitution cannot direct the respondents to do so by passing the procedure established under law. Hence, the petitioner is at liberty to approach the appropriate forum.

4. In the result, this writ petition is dismissed.
No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpl
To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Commissioner,
Coimbatore Corporation,
Coimbatore.

+1cc to Mr.Chandrasekaran.R , Advocate SR.No. 55326
+1 cc to Government Pleader Sr.No. 56500

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A.SK(02/08/2019)

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