

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.05.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.[MD]No.7603 of 2019****WEB COPY**

Rajiv Paul Shantharaj

: Petitioner

Vs.

The Commissioner,
Madurai Corporation, Madurai.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondent to issue birth certificate of petitioner's adoptive son Ragland Paul Swarnaraj, S/o.Arun Abraham Samuel Raj bearing registration No.B-2018: 33-5267-000050, dated 20.03.2018 by incorporating the particulars of his Adoption deed No.21 of 2018, dated 12.06.2018 on the file of the Sub Registrar Office, Alanganallur, Madurai District, on considering his representation, dated 21.02.2019.

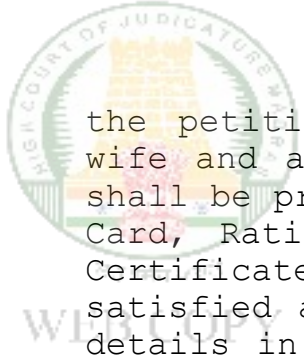
For Petitioner	: Mr.R.Shankar Ganesh
For Respondents	: Mr.J.Gunaseelan Muthaiah Additional Government Pleader

O R D E R

The writ petitioner and his wife Shobana Angeline Gnanaselvi had taken a male child viz., Ragland Paul Swarnaraj in adoption from one Arun Abraham Samuel Raj and Angel Jennifer. A formal adoption deed dated 12.06.2018 was executed and duly registered. The petitioner wants the adoption details to be entered in the birth certificate of the child. In this regard, a representation was given to the respondent on 21.02.2019. Contending that it has not been considered so far, this writ petition came to be filed.

2.When the matter was taken up for hearing, the learned standing counsel for the respondent submitted that apart from submitting the representation, the petitioner has not enclosed any details. He has also pointed out that the factum of adoption has not been substantiated.

3.Even though the parties are Christians and the statutory procedure set out in the Juvenile Justice Act was not followed, as rightly contended by the petitioner's counsel, as per the decision in **R.R.GEORGE CHRISTOPHER** reported in **2009 (8) MLJ 309**, the practice of adoption has been permitted by Canon Law and therefore, the adoption made in this case cannot be questioned. However, it is for the petitioner to actually establish that a proper adoption was made. Therefore, this Court directs the respondent or any delegated authority to hold an enquiry in this regard. On the date of enquiry,



the petitioner shall appear before the respondent along with his wife and also the biological parents of the child. The child also shall be produced. On the said date, relevant documents viz., Aadhar Card, Ration Card, Original Adoption Deed and the Original Birth Certificate of the child shall be produced. The respondent on being satisfied about the veracity of the same, shall enter the adoption details in the original certificate of birth of the adopted child. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.The writ petition is allowed. No costs.

sd/
Assistant Registrar(crl.side)/
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Madurai Corporation, Madurai.

+1 CC to Mr.J.GUNASEELANMUTHIAH, Advocate (SR-66408[F] dated
30/05/2019)
+1 CC to Mr.K.SANJAI GANDHI, Advocate (SR-66561[F] dated
30/05/2019)

Order made in
W.P. [MD]No.7603 of 2019
30.05.2019

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