



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.20722 of 2019

WEB COPY

Periyasamy

... Petitioner

Vs.

The Commissioner cum  
Registrar of Birth and Deaths,  
Pudukottai Municipality,  
Pudukottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondent to issue revised Birth Certificate by making requisite changes in the Birth Certificate of Kavi Nithaa bearing Birth Certificate Reg.No.109/2014/07/00118, dated 10.2.2014 on the basis of the petitioner representation dated 06.8.2019.

For Petitioner : Mr.S.Deenadhayalan

For Respondent : Mr.P.Mahendran

### **ORDER**

This writ petition has been filed seeking a direction to the respondent to issue revised Birth Certificate by making requisite changes in the Birth Certificate of Kavi Nithaa bearing Birth Certificate Reg.No.109/2014/07/00118, dated 10.2.2014, based on the representation dated 06.08.2019.

2.The petitioner has adopted a child namely Kavi Nithaa on 26.07.2019 from her biological parents viz., Aron and Praba. The adoption has been duly registered through the adoption deed executed by both the parties by registered document No.19/2019 at the office of the Sub Registrar, Thuraiyur. Thereafter, the petitioner applied for issuance of revised birth certificate from the respondent. The said request was not processed by the respondent and hence, he made a representation dated 06.08.2019. Aggrieved over the non consideration of the said representation, the petitioner is before this Court.

3.According to the petitioner, as per the Circular issued by the Registrar General of India, Ministry of Home Affairs, Government of India, dated 12.03.2012, birth certificate can be changed at the



request of adoptive parents. The relevant portion of the said Circular is extracted hereunder:

"iii.Birth registered

(a)A birth shall be treated as registered only when supported by the original birth certificate or a copy thereof. The place of birth and the date of birth as mentioned in the original birth certificate will not undergo any change and shall remain as it is. However, the basis of details contained in adoption order/deed, requisite changes will made in the name of child, name of adoptive parent(s) and address of adoptive parent(s) by the Registrar whose the birth was originally registered.

(b)In order to facilitate the entire process, the Registrar in whose jurisdiction the adoption agency is located shall send the duly filled birth reporting form along with the adoption order/deed and the copy of the original birth certificate to the Registrar where the birth was originally registered. The Registrar shall also make a request to effect changes in the name of the child, name of adoptive parent(s) and address of adoptive parent (s) in the birth records and send the revised birth certificate to him/her for being provided to the adoptive parent(s).

4.When the matter is taken up for admission, the learned counsel for the respondent, under instructions, would submit that the petitioner has to apply for issuance revised birth certificate for adopted child under Form - 1A and if he applies in the prescribed format, the respondent will issue the revised birth certificate. The learned counsel for the respondent has also given a copy of the above format to the learned counsel for the petitioner.

5.Under these circumstances, the petitioner is directed to submit his application in the prescribed format within a period of one week to the respondent and on receipt of such application in the prescribed format, the respondent is directed to issue revised birth certificate within a period of one week thereafter.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)



To  
The Commissioner cum  
Registrar of Birth and Deaths,  
Pudukottai Municipality,  
Pudukottai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate ( SR-90281[F] dated  
30/09/2019 )

+1 CC to M/s.P. MAHENDRAN, Advocate ( SR-90492[F] dated 30/09/2019 )

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JMN(30.09.2019) 3P : 4C