



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.10887 of 2020

S.P.K.Goguldoss

... Petitioner

Vs.

1. Dindigul City Municipal Corporation,
Rep. By its Commissioner,
Main Road, Dindigul - 624 001.

2. City Health Officer,
Dindigul City Municipal Corporation,
Main Road,
Dindigul 624 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka. No.2300/2019/H3, dated 28.03.2019 quash the same and direct the respondents to make correction in the birth entries of the petitioner's daughter Divyashree by mentioning the names of the petitioner and her wife G.Padmini in the place of biological parents and reissue the birth extract within the time frame fixed by this Court.

For Petitioner	: Mr.M.Saravanan
For Respondents	: Mr.J.Lawrance

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O R D E R

The writ petitioner is a permanent resident of Dindigul. The petitioner has married one Padmini. They had lost their daughter in an accident. Therefore, on 10.12.2003, the couple adopted the petitioner's niece, namely, Divyashree. On 10.12.2003, the requisite formalities were duly undergone. Now the petitioner wants to enter the adoption details in the birth certificate of the adopted child. The petitioner's request was rejected by the impugned order dated 28.03.2019. The same is put to challenge in this writ petition.

2. Heard the learned counsel on either side.

3. The second respondent has proceeded on the premise that the application has been made not in person but through counsel. The second respondent has omitted to note that the petitioner himself is an Advocate and that since the application was given in his letter



pad, the erroneous impression was generated in the mind of the second respondent.

4. As rightly pointed out by the learned counsel appearing for the writ petitioner, the issue on hand is no longer *res integra*. In the Birth Certificate dated 20.11.2003 pertaining to Divyashree, the names of her parents, namely, Veerasubramanian and V.Padmapriya are reflected.

5. In view of the adoption of the said Divyashree by the petitioner and his wife, the names of the adoptive parents will have to be incorporated. The second respondent must note that the interests of the child are paramount. If the birth certificate continues to reflect the names of the biological parents, certainly that would cause confusion in future. In order to avoid the same, the petitioner has filed the present application.

6. Therefore, the order impugned in this writ petition stands quashed and the second respondent is directed to issue fresh Birth Certificate of the child Divyashree by incorporating the names of the writ petitioner and his wife G.Padmini in the column meant for the parents. Such certificate will be issued within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Commissioner,
Dindigul City Municipal Corporation,
Main Road, Dindigul - 624 001.



2. City Health Officer,
Dindigul City Municipal Corporation,
Main Road,
Dindigul 624 001.

+1 cc to Mr.J.LAWRANCE ,Advocate, SR No.18177

+1 cc to Mr.R.SUBRAMANIAN ,Advocate, SR No.18183

W.P. (MD) No.10887 of 2020

25.09.2020

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