



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD).No.16414 of 2018

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M.Rajammal

...Petitioner

Vs.

Muthanmai Nagar Nala Aluvalar,
Aringnar Anna Maaligai,
Madurai Corporation,
Tallakulam, Madurai-2.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent herein to issue birth certificate within the stipulated time to the petitioner's adopted son M.Siddharthan by registering his date of birth as 23.03.1991 in the birth register maintained by them without insisting upon the production of adoption deed and court order.

For Petitioner : Mr.K.Muthumalai
For Respondent : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent Corporation.

2.The petitioner wants a birth certificate for her adopted son. The stand of the respondent is that in the absence of a Court direction, the same cannot be issued.

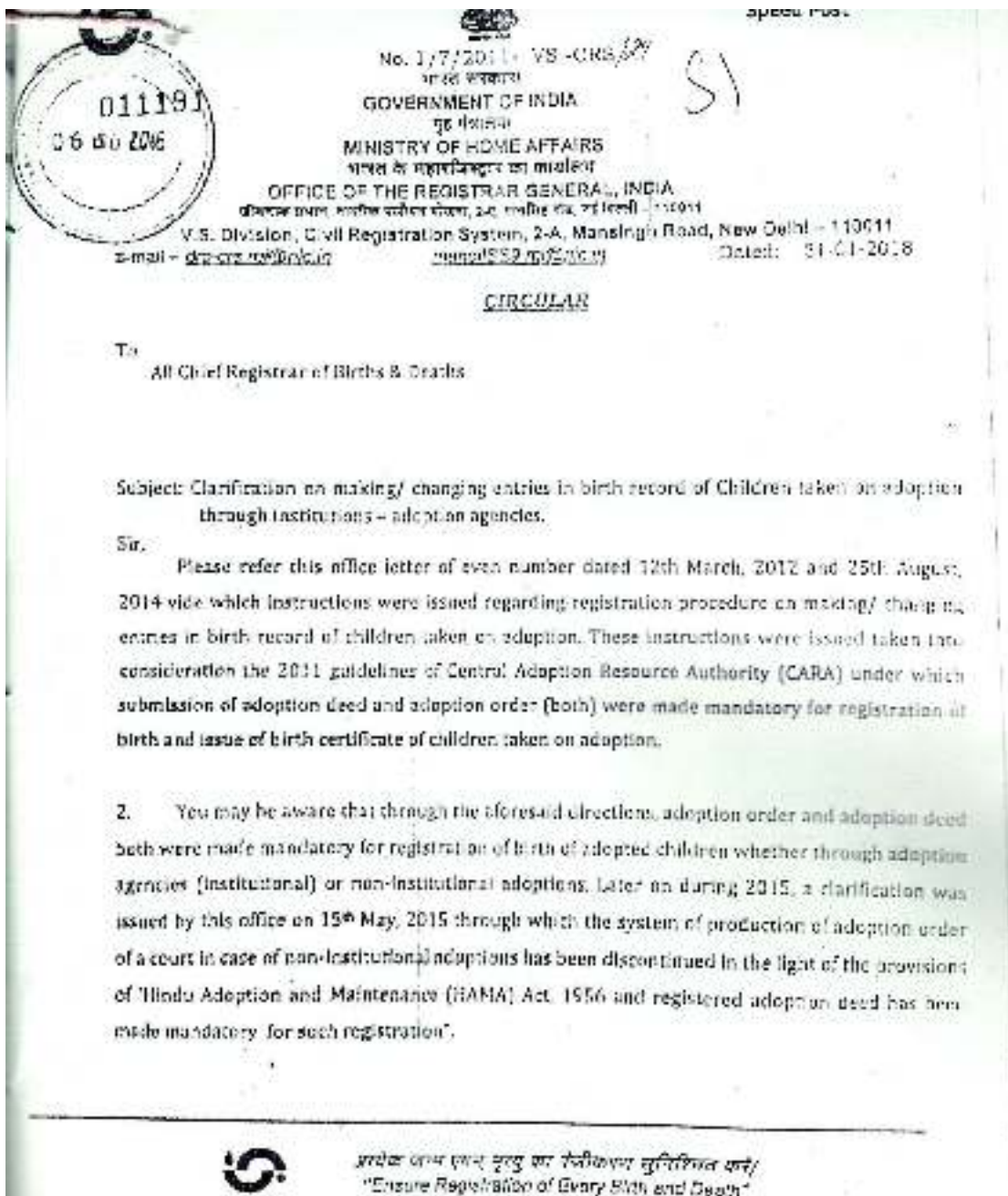
3.I carefully went through the entire materials available on record.

4.It is seen that the petitioner was married to C.Masanam on 01.11.1971. They did not have any children. Therefore, they approached the Grace Kennet Foundation, Ellis Nagar, Madurai, in the year 1994 for adopting a child. The said foundation gave a child Siddharthan in adoption to the petitioner and her husband. An affidavit executed by a social worker of the Foundation dated 06.04.1994 and duly notarized has already been enclosed. It is seen from the said notarized affidavit that the date of birth of

the said Siddharthan as per the Foundation record is 23.03.1991.

5.The petitioner's husband C.Masanam has since passed away. Thereafter, the petitioner and her adopted son Siddharthan filed O.S.No.81 of 2017, before the Principal District Munsif Court, Madurai Town and by judgment and decree dated 27.10.2017, obtained a declaration that they are the legal heirs. Thus before this Court there are certain unimpeachable materials.

6.In cases relating to making entries in the birth record of children taken by adoption from the Institutions, the Government of India had issued a circular dated 31.01.2018. The said Circular reads as follows:





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3. Now in respect of adoptions made through institutions i.e. adoption agencies, the Ministry of Women & Child Development has revised its guidelines and notified the same in Gazette Notification dated 04-01-2017 as 'Adoption Regulations 2017' wherein removes the clause of production of adoption deed for institutional adoptions and mentioned at section 35 of the new notification that production of adoption order of the Court is sufficient for registration of birth of child adopted through adoption agencies.

4. In order to address the difficulties in producing the adoption deed by general public in case of adoption through institutions (adoption agencies), the matter has been reviewed and accordingly, it has been decided not to insist the public for production of adoption deed for registration of birth of adopted child and register the birth event or make necessary correction/ change on the basis of adoption order of the court and issue the birth certificate of the adopted child.

5. In view of the above facts, you are requested to direct the aforesaid contents to the concerned registration authorities in the State and direct them to issue the birth certificate of adopted children on priority basis with the name of adoptive parents as parents. This office may be apprised about the action taken in this regard.

Yours faithfully

(Manoj Kumar)
Deputy Registrar General (CRS)

7.I am therefore of the view that the notarized affidavit given by the social worker of the Grace Kennet Foundation can be taken as the basis for issuance of a birth certificate. Therefore, the respondent is directed to issue the birth certificate for the petitioner's adopted son namely Siddharthan by entering the date as 23.03.1991.

8.The respondent shall not insist on production of adoption deed or Court order. The birth certificate sought for by the



petitioner shall be issued within a period of six weeks from the date of receipt of a copy of this order. The period of six weeks will start running from the date when lock down is lifted.

9.The Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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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
Muthanmai Nagar Nala Aluvalar,
Aringnar Anna Maaligai,
Madurai Corporation,
Tallakulam, Madurai-2.

ORDER MADE IN
W.P. (MD).No.16414 of 2018
17.07.2020

CK(CO)
TR(21.07.2020)4P 2C