



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 19213 of 2021

Sandra Josiane Stephanie Bigot .. Petitioner
Adoptive Mother of Minor Radja Noa Sanjay

Versus

The Commissioner
Oulgaret Municipality
(Uzhavarkarai Municipality)
Pondicherry - 605 005 .. Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to assess the genuineness of the Birth Report of "Noa Sanjay" born on 26.01.2014 registered by the respondent vide registration No. 775 dated 05.02.2021, provided vide reply dated 04.06.2019 under Right to Information Act, 2005 in Form - 3 bearing No. 10050/RTI/EE/OM/2019 and the 'Birth Report' without any Registration Number, Seal or Signature of the respondent herein, which the petitioner received through the consulate General of France in Pondicherry, while clarifying 'Oulgaret Municipality' and 'Uzhavarkarai Municipality' are one and the same.

For Petitioner : Mr. Stalin Abhimanyu

For Respondent : Mr. J. Kumaran
Additional Government Pleader
(Puducherry)

ORDER

The present petition has been filed by the petitioner for the issuance of Writ of Mandamus seeking to direct the respondent to assess the genuineness of the Birth Report of "Noa Sanjay" born on 26.01.2014 registered by the respondent vide registration No. 775 dated 05.02.2021, provided vide reply dated 04.06.2019 under the Right to Information Act, 2005 in Form - 3 bearing No. 10050/RTI/EE/OM/2019 and the 'Birth Report' without any Registration Number, Seal or Signature of the respondent herein, which the petitioner received through the consulate General of France in Pondicherry, while clarifying 'Oulgaret Municipality' and 'Uzhavarkarai Municipality' are one and the same.



2. The petitioner claims that she is a French National by birth and is an Overseas Citizen of India Card Holder having Indian Passport bearing No. 11CV13999. It is stated that she born at France on 08.06.1976 and her birth was registered before the Town Hall of Chambray Les Tours under Acte No.000916/1976. It is further stated that on 06.10.2007, she married Mr. Radja Soureche Hubert, an Indian by birth. The marriage was also registered before the office of the Mayor, France under Acte No.8, Order No.2. According to the petitioner, after her marriage, she and her husband were residing in France and used to visit Puducherry for vacation. It is also stated that out of the wedlock, the petitioner is not blessed with a biological child, therefore, she and her husband have decided to adopt an Indian child. Accordingly, they have adopted a child namely Noa Sanjay, born to Mrs. Seetha and Mr. Anbazhagan on 26.01.2014 and his birth was registered before the Respondent Oulgaret Municipality under Registration No. J/2014/00775 dated 05.02.2014. Further, a deed of absolute adoption was executed between the biological parents of Noa Sanjay and the petitioner and her husband which was also registered vide Document No. 979 of 2014. As required under law, the petitioner also filed petition in O.P. No. 89 of 2015 before the Family Court, Pondicherry under Articles 343 and 353 of French Code Civil and the adoption was declared valid on 12.08.2015 by the Pondicherry Family Court.

3. The petitioner further submits that she wanted to take her son to France for process of adoption for which she had applied for the issuance of No Objection Certificate from the Central Adoption Resource Authority and she was informed that the said adoption application is under examination. However, she received a birth report of her adopted son with a change in biological father's name from the French Consulate of Pondicherry without signature, seal and registration number which paved way for rejection of the said adoption application. Feeling aggrieved, she filed an appeal in No.RG 20/02113 - No Portalis DBVC - V72-GTRQ before the 3rd Civil Chamber, the Caen Court of Appeal, Ministry of Justice, French Republic. She also made a representation on 02.08.2021 requesting the respondent to assess the genuineness of the two birth reports that were received by her and sought for clarification as to whether 'Oulgaret Municipality' and 'Uzhavarakarai Municipality' are one and the same. Finding no response on the said representation, the petitioner has come up with this writ petition for the aforesaid relief.

4. When this writ petition is taken up for hearing today, the learned Additional Government Pleader (Puducherry) relying upon the letter in F.No.775/EC/OM/2021 dated 28.09.2021 sent to him by the Sub-Registrar, Births and Death, Oulgaret



Municipality, Puducherry, submitted that the Birth report No. 775 dated 05.02.2014 provided by the Sub Registrar, Births and Deaths, Oulgaret Municipality alone is genuine. It is further clarified that the name of the Municipality mentioned as Oulgaret and Uzhavarkarai is one and the same.

5. Recording the above submissions made by the learned Additional Government Pleader (Puducherry), this Writ Petition stands disposed of. No costs. Consequently, W.M.P. No.20509 of 2021 is closed. The letter dated 28.09.2021 addressed to the Government Pleader for Puducherry, High Court, Chennai, by the Sub-Registrar, Births and Death, Oulgaret Municipality, Puducherry, shall form part of this order.

OULGARET MUNICIPALITY
PUDUCHERRY-5

F.No.775/EC/OM/2021

Jawar Nagar, the 28.09.2021

To

The Government Pleader for Puducherry,
High Court of Judicature at Madras,
Chennai.

Sir,

Sub:OM-EC-Reply to W.P.No.19213/2021-Reg.

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Adverting to the subject cited, it is informed that the Birth Report No.775 dated 05-02-2014 provided by this Municipality vide reply to RTI No.0050/RTI/EE/OM/2019 dated 04-06-2019 is alone genuine, and we do not aware about any other birth reporting form. In this regard, there was any representation not received by this Municipality on 02-08-2021 from the Petitioner.

Further, it is clarified that the name of the Municipality mentioned as OULGARET and UZHAVARKARAI is one and the same.

Yours faithfully,

Sd/-
SUB-REGISTRAR
BIRTHS AND DEATHS

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dhk/rsh



To

1.The Commissioner
Oulgaret Municipality
(Uzhavarkarai Municipality)
Pondicherry - 605 005

2.The Sub Registrar, Birth and Death,
Oulgaret Municipality, Puducherry.

+1CC to Mr.M.N.Sumathy, Advocate, Sr.No.55818

+1CC to the Government Pleader(For Puducherry), Sr.No.54816

WP No. 19213 of 2021

PMK(CO)
SB(16/11/2021)