



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.11255 of 2021

and

W.M.P. (MD).Nos.8789 & 8792 of 2021

WEB COPY

P.Raja Mohamed

...Petitioner

Vs

1.The Regional Passport Officer,
O/o.Regional Passport Officer,
Kochadai,
Madurai Region,
Madurai District.

2.The Regional Passport Officer,
O/o.Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Letter Ref.No.SCN/310971709/21 dated 25.06.2021 and quash the same as illegal and consequentially to direct the respondents to issue the passport indicating the name of the adopted parents of the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

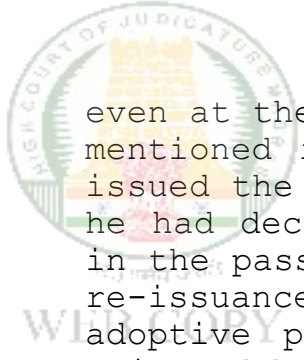
For Respondents : Mrs.L.Victoria Gowri,
Additional Solicitor General of India

ORDER

This writ petition has been filed challenging the impugned letter issued by the 2nd respondent dated 25.06.2021 and for a consequential direction to the respondents to issue passport by indicating the names of the adoptive parents of the petitioner in the passport.

2. Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner, Mrs.L.Victoria Gowri, learned Additional Solicitor General of India appearing for the respondents.

3. It is brought to the notice of this Court that the petitioner had initially applied for a passport in the year 1993 and



even at the point of time, only the name of his natural parents were mentioned in the passport. Thereafter, the petitioner has been re-issued the passport in the year 2013 and even at that point of time, he had declared his natural parents and their names were reflected in the passport. Only during the third occasion, when he applied for re-issuance of the passport, the petitioner wanted the name of his adoptive parents to be mentioned in the passport. This has been rejected by the respondents.

4. In the considered view of this Court, there is no concept of adoption in Muslim Law. That apart the petitioner is said to have been adopted when he was 25 years old. On the earlier occasions, the petitioner had only chosen to declare the names of his natural parents and their names were only mentioned in the passport. For the first time, the petitioner at the age of 56 years approached the respondents seeking for re-issuance of passport in the year 2020, wherein the petitioner wants the name of the adoptive parents to be mentioned in the passport. This has been rightly rejected by the second respondent. The second respondent has correctly stated in the order that the adoption can be recognized only if there is a proper Court order produced along with the application. This Court does not find any ground to interfere with the impugned letter issued by the 2nd respondent dated 25.06.2021.

5. Learned counsel for the petitioner attempted to make a submission to the effect that there are some customary practices where such adoption is recognized in Muslim Law. It will be very difficult for the respondents to recognize such customary practices and if at all any such custom is followed, it can only be established before the competent Court. Unless a competent Court passes an order recognizing the adoption, there is no scope for adoption in Muslim Law. Therefore, the second respondent was right in rejecting the request made by the petitioner. It is left open to the petitioner either seek for re-issuance of the passport by declaring the names of his natural parents or the petitioner can approach the competent Court and seek for an order and thereafter make an application to the respondents for re-issuance of passport. Except giving this clarity, no further orders can be passed in this writ petition.

6. In the result, the present writ petition stands disposed of accordingly. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Ae)

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/ /2021

Sub Assistant Registrar (CS)



1.The Regional Passport Officer,
Kochadai,
Madurai Region,
Madurai District.

2.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-24144[F] dated
28/07/2021)

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KB (03.08.2021) 3P 4C