



W.P.(MD)No.13379 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13379 of 2022

and

W.M.P.(MD)No.9494 of 2022

Gunasekaran

... Petitioner

Vs.

1.The District Registrar,
(Administration)
Pattukkottai
Thanjavur District.

2.The Sub Registrar,
Office of Sub Registrar
Keeramangalam
Thanjavur.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in RFL/Keeramangalam/8/2022, dated 26.03.2022 confirmed by the impugned of the first respondent in Na.Ka.No.988/B1/2022, dated 25.04.2022 and quash the same and consequently, direct the respondents herein to register the deed of adoption dated 26.03.2022 presented by the petitioner based on execution of original deed of adoption dated 18.01.1994.



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For Petitioner : Mr.C.Padmaraj

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner got married to one Vijayalakshmi on 06.09.1984. Since no child was born through the wedlock, it was decided to adopt the petitioner's nephew namely Raguram S/o.Manoharan. Incidentally, Manoharan's wife Suseela was none other than the petitioner's wife's sister. Raguram was formally adopted on 18.01.1994. As per the family rites and customs, an adoption deed was also executed. It was however not registered. In the adoption deed, the date of birth of Raguram was erroneously mentioned as 30.06.1990. Years later, it was noted that unless there was a registered adoption deed, Raguram will face difficulties. Hence, a fresh deed of adoption was executed and presented. The registering authority declined to entertain the same. The matter went



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on appeal before the first respondent. The first respondent took the view that while in the original adoption deed, the date of birth of Raguram was mentioned as 30.06.1990, in the adoption deed presented for registration, the date of birth has been mentioned as 30.07.1990. On this ground, refusal check slip was issued. Challenging the same, the present writ petition has been filed.

3. I am of the view that the concerned parties must have presented a deed of declaration and not a deed of adoption. The adoption had taken place way back in the year 1994. Therefore, presenting a deed of adoption for registration in the year 2022 does not appear to be appropriate. However, to record the factum of adoption, the parties concerned can definitely present a deed of declaration. I am more than satisfied that the actual date of birth of the adopted son namely Raguram is 30.07.1990 and not 30.06.1990. The concerned parties are therefore permitted to present a deed of declaration recording the factum of adoption of Raguram and by mentioning his date of birth as 30.07.1990. As and when such a deed of declaration is presented before the second respondent, the same shall be registered subject to fulfilment of the other formalities.



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G.R.SWAMINATHAN,J.

rmi

4. The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The District Registrar,
(Administration)
Pattukkottai
Thanjavur District.
- 2.The Sub Registrar,
Office of Sub Registrar
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