



W.P.(MD)No.3361 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3361 of 2017

and

W.M.P.(MD)No.2745 of 2017

I.Vinil Sathish

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Maduria-625 002.

... Respondent

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 on the file of the respondent in his proceedings No.1600044-CPC-MDU, dated 15.12.2016 and quash the same and consequently, to issue passport to the petitioner's minor daughter name V.Flora Poppy Evangelin based on the application in Ref.No.13-1009542821 and File No. 2069465595316 within the time stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam

For Respondent : Mrs.G.Victoria Gowri
Assistant Solicitor General



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ORDER

Heard the learned counsel appearing for the petitioner and the learned Assistant Solicitor General appearing for the respondent.

2. The petitioner is a Christian Church Pastor. The petitioner and his wife adopted a female child on 2.10.2008 from her biological parents. They have been raising the child ever since. The petitioner applied to the respondent for issuance of passport for the minor child. The respondent by the impugned order rejected the said request on the ground that the parties are Christians and that law does not permit the adoption done by the petitioner.

3. Since the welfare of a child is involved, I directed the petitioner and his wife to appear before the Kanyakumari District Legal Services Authority along with the child. I also called for a report.

4. The learned Principal District Judge, Kanniyakumari, who is also the chairman of the Kanyakumari District Legal Services Authority, after conducting a detailed enquiry, set out his conclusion as follows:-



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“1. that the child was born on 02.10.2008 as the natural daughter of one K.Stanley Immanuel, being the father and one S.Minila, being the mother;

2. that the child has, however, been continuously living with the petitioner and his spouse since she was just a 2 ½ months old baby;

3. that, subsequently, in any by means of a registered adoption deed dated 15.03.2011, the petitioner and his spouse took the child in adoption from the said biological parents namely K.Stanley Immanuel and S.Minila;

4. that, on and from 19.10.2016, the child's old name as S.M.Sterling Alisa was replaced by the new name V.Flora Poppy Evangelin at the instance of the petitioner and his spouse;

5. that, besides the child, the petitioner and his spouse have their own biological daughter, whose name is Mrs.Hannah Daisy Shermuelin and whose age is 25 years;

6. that the said biological daughter Mrs.Hannah Daisy Shermuelin has been living separately with her husband since her marriage on 18.01.2016.

7. that the child does not know of the adoption and that she, therefore, continues to be under the belief and impression that the petitioner and his spouse are her biological parents and that the said Mrs.Hannah Daisy Shermuelin is her natural sibling;

8. that the petitioner and his spouse have been treating the child as if she is their own daughter and as if she is part and parcel of the family; and

9. that the familial ties between the child on the one part and



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the petitioner, his spouse and their biological daughter on the other part seem to have been established since the infancy of the child and that the same remains undisturbed till date;”

5. Taking note of the welfare of the child, even though the adoption taken by the petitioner may not be legally valid, since the interest of the child is paramount, the impugned order is set aside. The respondent is directed to issue passport for the minor child by indicating the name of the petitioner and his wife as parents. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

24.06.2022

Index : Yes / No
Internet : Yes/ No
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To

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
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G.R.SWAMINATHAN,J.

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