



W.P.(MD)No.25621 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.25621 of 2022

A.Vijai

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Revenue Department,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

4.The District Revenue Officer,
Sivagangai District, Sivagangai.

5.S.Padmini

6.R.Shanthi

7.B.Chitra

8.S.Selvam

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to correct the father's name as Karuppiyah instead of Anthony in Death Certificate and Legal Heir Certificate of the deceased Santhanam by considering the



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petitioner's representation dated 13.10.2022 within the time that may be fixed by this Court.

For Petitioner : Mr.P.Rajagopalan
For R1 to R4 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents 1 to 4 to correct the father's name as Karuppiah instead of Anthony in Death Certificate and Legal Heir Certificate of the deceased Santhanam by considering the petitioner's representation dated 13.10.2022 within the time that may be fixed by this Court.

2.By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner's elder brother viz., Santhanam was adopted by his uncle, namely Karuppiah by way of an registered adoption deed, dated 28.01.1971. After his demise, the said Karuppiah succeeded his properties and all the revenue records were mutated in the name of Santhanam. He also died on 24.06.2011. In these circumstances, the respondents 5 to 8 legal heirs of the said Santhanam inadvertently obtained a death certificate and legal heir certificate mentioning the father's name as Antony instead of Karuppiah.



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Hence, the petitioner gave a representation to the official respondents herein requesting to make necessary correction in the said certificates as per Section 15 of the Registration of Births and Deaths Act, 1969. Since the same was not considered, the petitioner has filed the present writ petition.

4.The learned counsel for the petitioner submits that the Santhanam, elder brother of the petitioner herein was adopted by his uncle and he was brought up by him. He also got married and had two sons. After his demise, the legal heirs of the said Santhanam applied for legal heir certificate and death certificate mentioning the name of the biological father of the said Santhanam as his father instead of the adopted father viz., Karuppiyah and obtained the same. The said mistake was noticed by the petitioner and hence, he made a representation seeking necessary correction.

5.The learned Special Government Pleader appearing for the official respondents submitted that the legal heirship of the deceased Santhanam cannot be decided by the revenue authorities. It is for the concerned Court to decide the same based on the factual documents. Hence, the representation of the petitioner cannot be considered at this stage.

6.Heard the learned counsel appearing on either side.



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7.The facts in the present case are not in dispute. The Christian Personal Law does not permit adoption among Christians. The Hindu Adoption and Maintenance Act mandates that only Hindu child can be given for adoption and in the present case on hand, the adopted child is a Christian and the adoptee is the Hindu. In this writ petition declaration of adoption is sought. This has to be decided by a competent civil Court. Hence, this Court is not inclined to go into this aspect. Accordingly, this Writ Petition is **dismissed**. The petitioner is at liberty to workout his remedy before the competent civil Court in the manner known to law. There shall be no order as to costs.

11.11.2022

Index : Yes/No
Internet : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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