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W.P.(MD)No.8995 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 20.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.8995 of 2021**

T.Levi Justin Jebakumar

... Petitioner

Vs.

1.The District Collector,  
Kanyakumari District,  
Nagercoil.

2.The District Revenue Officer,  
Collectorate Campus,  
Kanyakumari District.

3.The Sub-Collector / The Revenue Divisional Officer,  
Padmanabhapuram,  
Kanyakumari District.

4.The Registrar,  
Birth and Death Registration Officer,  
Verkilambi-T.P.,  
Kanyakumari District.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd and 3rd respondent to issue a fresh birth certificate by incorporating the name of the petitioner as adoption father based on the adoption deed dated 15.06.2020 and consequently direct the respondents to forthwith make



suitable entries in the Birth and Deh Register maintained by the 4th respondent.

For Petitioner : Mr.P.T.Ramesh Raja  
For R1 to R4 : Mr.M.Lingadurai  
Special Government Pleader

\* \* \*

### **ORDER**

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.The writ petitioner is working as a driver in TNSTC. He adopted a child S.Sasanth vide registered adoption deed dated 15.06.2020. The child was born to one Sowmya. The said Sowmya had dissolved her marriage with her husband by name S.Sivakumar. Thereafter, the said Sowmya got married to the petitioner. The child was born at Trivandrum. Now the petitioner wants a fresh birth certificate to be issued by incorporating the petitioner's name as the adoptive father. Since his request was not considered, the present writ petition came to be filed.

3.The learned Special Government Pleader brought to my notice a circular issued by the Government of India on 12.03.2012. The said



circular sets out the procedure for making /changing entries in the birth record for the children taken on adoption. The relevant clause (iii)(b) is as follows:

*"(iii) (b) In order to facilitate the entire process, the Registrar in whose jurisdiction the adoption agency is located shall send the duly filled birth reporting form along with the adoption order / deed and the copy of the original birth certificate to the Registrar where the birth was originally registered. The Registrar shall also make a request to effect changes in the name of child, name of adoptive parent(s) and address of adoptive parent(s) in the birth records and send the revised birth certificate to him / her for being provided to the adoptive parent(s)."*

4.The fourth respondent did not issue the original birth certificate. Therefore, the fourth respondent cannot be expected to make the changes sought for by the petitioner. I endorse and sustain the stand taken by the learned Special Government Pleader. However, the fourth respondent in whose jurisdiction the adoption took place will send the duly filled birth report in form along with adoption deed and a copy of the original birth certificate to the Registrar where the birth was originally registered. Since the circular was issued by the Government of India, issuing guidelines under the Central Act, the Registrar where the birth of the child was registered is bound to make the necessary changes. Since a



part of the cause of action has arisen before this Court, this Court under Article 226 of the Constitution of India will have the jurisdiction to issue mandamus to the authority in whose jurisdiction the birth was registered. Since the said authority is not before this Court, I am not in a position to do so.

5.I am however confident and certain that after the fourth respondent forwards the necessary documents, the Registrar where S.Sasanth's birth was registered would definitely make the necessary changes. The petitioner will approach the fourth respondent with a fresh representation and within a period of two weeks after its receipt, the fourth respondent will act as per the guidelines set out in the aforesaid circular dated 12.03.2012.

6.This writ petition is allowed on these terms. No costs.

**20.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet: Yes/ No

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**G.R.SWAMINATHAN,J.**

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