



W.P(MD)No.15628 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.15628 of 2022

Selvaraj. M

... Petitioner

Vs

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kumbakonam Taluk, Thanjavur District.

2.The Thasildar,
Taluk Office, Kumbakonam,
Thanjavur District.

3.The Revenue Inspector,
Taluk Office, Kumbakonam,
Thanjavur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue a new birth certificate of petitioner's adopted children namely Mounish Sai with the adopted parents names and address after removing the biological parents name and particulars in the light of circular issued by the Ministry of Home affairs, in No.1/7/2011-VS(CRS) dated on 12.03.2012 and



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considering petitioner representation dated on 28.06.2021 and 27.06.2022 within a stipulated time frame fixed by this Court.

For Petitioner : Mr.R.Subramanian
For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

The petitioner has approached this Court for a Mandamus, directing the respondents to issue a new birth certificate of his adopted child, namely Mounish Sai by including the names of the adopted parents and removing the names of the biological parents, as per the circular issued by the Ministry of Home Affairs, Office of the Registrar General, Government of India, dated 12.03.2012, by considering his representation dated 28.06.2021 and 27.06.2022.

2.The learned counsel appearing for the petitioner submits that the petitioner has adopted a child on 23.06.2021 and the same has been registered as Doc No.44 of 2021 on the file of the District Registrar, Kumbakonam, Thanjavur District. The child was originally born to one Ganesh and Vembarasi on 27.03.2021. The



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father of the child died in an accident on 22.09.2020. Therefore, the biological mother of the child, Vembarasi has agreed to give this child for adoption considering the welfare of the child and accordingly, an Adoption Deed was also duly registered before the Registrar office. The birth of the child has been duly registered with the names of his biological parents, Ganesh and Vembarashi before the second respondent on 27.03.2021. After the adoption deed, the petitioner has approached the second respondent for change of biological parents names by way of a representation dated 28.06.2021 and the same was not considered. Therefore, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner by referring the circular issued by the Ministry of Home Affairs in 1/7/2011-VS(CRS) dated, 12.03.2012, wherein, a procedure has been contemplated for changing the entries in the Birth record for children taken on adoption.



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4.The learned Government Advocate, on instructions submits that the petitioner has submitted a representation and has not produced any relevant documents for effecting the changes. Therefore, his application has not been considered so far. In the event, if the petitioner produces the relevant documents, the same would be considered in accordance with law.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.A detailed procedure has been laid down by the Government of India by a Circular issued by the Ministry of Home Affairs in 1/7/2011-VS(CRS) dated, 12.03.2012 for making changes in the entries in the birth record of children taken on adoption. Clause 2 & 3 of the Circular dated 12.03.2012 is extracted for easy reference.

III. BIRTH REGISTERED

a. A birth shall be treated as registered only when



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supported by the original birth certificate or a copy thereof. The place of birth and the date of birth as mentioned in the original birth certificate will not undergo any change and shall remain as it is. However, on the basis of details contained in adoption order / deed, requisite changes will be made in the name of child, name of adoptive parent (s) and address of adoptive parent(s) by the Registrar, where the birth was originally registered.

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).



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7.In view of the above, this writ petition is allowed with

a direction to the petitioner to produce the relevant documents along with the circular to the second respondent within a period of two weeks from the date of receipt of a copy of this order in person and on such production, the second respondent shall pass orders within a period of four weeks from thereon. No costs.

24.08.2023

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

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