



W.P(MD)No.19930 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19930 of 2023

1. Vijayakumar
2. Manjula

... Petitioners

Vs

The Commissioner,
Madurai Corporation,
Madurai - 2.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to remove the name of natural Father and Mother namely Venkataraman and Banumathi in birth certificate of THANISHKA issued by respondent Madurai Corporation registration No.71/2010/GH dated 05.01.2010 and include the name of adoption Father and Mother namely petitioners herein Vijayakumar and Manjula based on the adoption deed registered before No.1 Joint Sub Registrar, Madurai South Document No. 200/2010, based on the petitioner's representation dated 15.07.2023.



W.P(MD)No.19930 of 2023

For Petitioners : Mr.J.Gunaseelan Muthiah
For Respondents : Mr.S.Vinayak
Standing Counsel

ORDER

The petitioners said to have adopted a female child on 05.02.2010 from one Venkataraman and Banumathi, the biological parents of the child. Thereafter, the petitioners have approached the respondent Corporation to change the name of the parents in the birth certificate of their child Thanishka. The respondent has not considered their application. Therefore, the petitioners have filed this writ petition for a Mandamus, directing the respondent to remove the name of the biological parents in the birth certificate of Thanishka issued by the respondent/Madurai Corporation on 05.01.2010 and to include the name of the petitioners as the adopted father and mother of Thanishka.

2.The learned counsel appearing for the petitioners by referring the adoption documents registered before the Sub



W.P(MD)No.19930 of 2023

WEB COPY

Registrar, Madurai South as Document No.200/2010 dated 15.07.2020 and other relevant documents such as smart card issued in favour of the child etc., submits that in all other documents, the name of the parents of the child has been changed except in the birth certificate. Hence, a suitable direction may be issued to the respondent for change of parents names in the birth certificate of their adoptive child Thanishka.

3.The learned Standing counsel appearing for the respondent Corporation by referring the communication issued by the Department of Public Health and Preventive Medicine submits that for change in entries in the birth record, the parties have to approach the District Collector concerned. The learned counsel further submits that the Ministry of Women and Child Development has revised its guidelines and notified the Adoption Regulation, 2022 with effect from 01.09.2022, wherein, as per Section 40 of the said Regulation changes can be effected only by the competent authority namely, the District Magistrate. The regulation as stated by



W.P(MD)No.19930 of 2023

the learned Standing Counsel is also extracted as under:

WEB COPY

"Section 40 of the said regulation it is mentioned as Birth Certificate issuing authority: The local Registrar notified under the Registration of Births and Deaths Act, 1969 (18 of 1969) shall issue birth certificate within five days in favour of an adopted child on an application filed by the Specialised Adoption Agency or adoptive parents, incorporating the names of the adoptive parents as parents and the date of birth of the child as mentioned in the adoption order issued by the District Magistrate, in accordance with circulars issued from time to time by the Registrar General of India:

Provided that no physical presence of the adoptive parents shall be required for issue of such certificate."

4. In view of the above, this writ petition is disposed of with a liberty to the petitioners to approach the concerned District Magistrate to obtain necessary order, based on which, the petitioners shall apply before the first respondent Corporation for making changes in the birth certificate of their adoptive child. The concerned



W.P(MD)No.19930 of 2023

WEB COPY

authorities shall consider the application of the petitioners and pass orders as expeditiously as possible. No costs.

17.08.2023

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

To

The Commissioner,
Madurai Corporation,
Madurai - 2.



WEB COPY



W.P(MD)No.19930 of 2023

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.19930 of 2023

17.08.2023