



W.P(MD)No.30710 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30710 of 2023

R.M.Kumaran

... Petitioner

Vs.

1.The Commissioner

Madurai Corporation,

Anna Maligai,

Thallakulam,

Madurai – 625 002.

2.The Registrar of Births and Deaths,

Ward No.43, Madurai Corporation,

Madurai City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the



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directing the respondents herein to issue Birth Certificate of Minor R.K.Aadhira by incorporating the names of the Petitioner namely, R.M.Kumaran and his wife namely, M.S.Sharmila as Parents in the place of Biological parents i.e., Saravanan and S.Saroja with the above mentioned address based on the decree and judgment passed by the learned Principal District Munsif Court, Madurai in O.S.No.311 of 2022 dated 11.08.2022 and to consider the application for making necessary entry in the Birth Register maintained by the Respondent Corporation on the basis of the application submitted by the Petitioner.

For Petitioner : Mr.C.Gangai Amaran

For Respondent : Mr.K.K.Kannan

Standing Counsel

ORDER

Heard the learned counsel on either side.



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2. The only request made by the petitioner is for including the name of his wife and his name as parents of the adoptive child in the place of the biological parents. The petitioner counsel draws my attention to the decree, dated 11.08.2022 made in O.S.No.311 of 2022 on the file of the Principal District Munsif, Madurai Town.

3. The learned Standing Counsel submitted that the Civil Court may not have jurisdiction and that it is only the District Magistrate/District Collector who can pass an adoption order in such cases. But however, the said statutory amendment came into force with effect from 23.09.2022. The decree in this case was passed before the said date. Therefore, the respondents have to abide by the decree passed by the civil Court.

4. I, therefore, direct the second respondent to reissue the birth certificate in respect of the petition mentioned child by



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incorporating the names of the petitioner and his wife as parents in the place of the biological parents. This shall be done by the second respondent within a period of 8 weeks from the date of receipt of a copy of this order. In the original register, the rounding off can be made and in the revised certificate the modified particulars alone shall be mentioned. In other words, certificate shall be issued as prayed for by the petitioner.

5. The Writ Petition is allowed. No costs.

21.12.2023

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

RM



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G.R.SWAMINATHAN, J.

RM

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