



WEB COPY



W.P.No.6605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6605 of 2024

Tamilselvi

.... Petitioner

VS

The Registrar of Birth and Death,
Periyakayapakkam Primary Health Centre
Chithamur, Cheyyur, Kancheepuram.

.... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondent to consider the petitioner representation dated 16.3.2023 for amending the birth certificate of petitioner daughter Aaradhana by changing the name of father from Murugesan to Ramaraj and mother name from Sathya to Tamilselvi vide registration number B-2020:33-3797-000014.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.S.Balamurugan

Government Advocate

ORDER

Mr.S.Balamurugan, learned Government Advocate accepts notice for the respondent, the Registrar of Birth and Death and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is one Tamilselvi, wife of Ramaraj. Since,



W.P.No.6605 of 2024

according to the petitioner, the couple had no children for 11 years from the date of their marriage, they had decided to adopt a child and have adopted the third daughter of one Sathya and her husband. The child whom she claims to have adopted was born on 03.07.2020 and had been named as Aaradhana at the time of her birth by Sathya and her husband.

3. The petitioner claims that the adoption was in accordance with customs and rituals and in compliance with Section 9 of the Hindu Adoption and Maintenance Act and that a Deed of Adoption had been entered into on 31.12.2020. While so, the petitioner states that her husband Ramaraj died on 11.07.2021.

4. In this Writ Petition, the petitioner seeks a mandamus directing the sole respondent to consider her representation dated 16.03.2023 for amending the birth certificate of Aaradhana by changing the name of father from Murugesan to Ramaraj and name of mother from Sathya to Tamilselvi.

5. Mr.Balamurugan accedes to the receipt of the representation dated 16.03.2023 and has no objection to mandamus being issued subject to verification of necessary facts.



W.P.No.6605 of 2024

6. In light of the above, mandamus simplicitor is issued to the respondent for disposal of representation dated 16.03.2023, strictly in accordance with law, necessary Circulars and Government Orders, and by way of a speaking order.

7. It is emphasized that a proper enquiry should be made in regard to the averments made in the representation and all factual assertions must be looked into and verified. The scope of enquiry need not be restricted only to the petitioner but must encompass all other necessary parties as well. Let the representation as aforesaid be disposed as expeditiously as possible.

8. This Writ Petition is disposed in the aforesaid terms. No costs.

13.03.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
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To

The Registrar of Birth and Death,
Periyakayapakkam Primary Health Centre
Chithamur, Cheyyur, Kancheepuram.



WEB COPY



W.P.No.6605 of 2024

Dr.ANITA SUMANTH,J.

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W.P.No.6605 of 2024

13.03.2024