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W.P.No.27846 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 27846 of 2022

1. S.Ganesan

2. G.Ilamathi

.... Petitioners

Vs

The Deputy Director cum the Registrar
(Birth and Death),
Public Health and Preventive Medicine,
Government Medical College Hospital,
Thiruvavarur.

.... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus to direct the respondent to substitute the names and address of the petitioners as the adoptive parents of P.Magath in the place of the names and address of the biological parents in the birth certificate pertaining to the adoptive child namely P.Magath issued in registration No.B-2021:33-16168-001697 by considering the application date 25.04.2022 submitted by the first petitioner to the respondent and the first petitioner's reminder representation dated 17.06.2022.

For Petitioners : Mr.S.Senthil

For Respondent : Mr.K.Tippu Sulthan
Government Advocate



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ORDER

This Writ Petition has been filed for a direction directing the respondent to substitute the names and address of the petitioners as the adoptive parents of P.Magath in the place of the names and address of the biological parents of the said child.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners adopted a child, viz., P.Magath, by an Adoption Deed dated 25.07.2021 registered vide Document No.16 of 2021. The said child was originally born to one Periaswamy and Santhi in the Thiruvarur Medical College Hospital. Therefore, a birth certificate was issued showing his father's name as Periaswamy and mother's name as Santhi. After execution of the Adoption Deed, the petitioner submitted a representation before the respondent to correct the entries made in the birth certificate pertaining to the names of the adoptive parents in the place of the names of the biological parents and their address.



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4. In this regard, a Circular was issued by the Department of Public Health and Preventive Medicines on 17.06.2015. It says that for non-institutional adoptions that took place within relations or acquaintances, registered adoption deed is enough and no need to produce adoption order of a Court for such cases. The Registrar General of India has already issued a Circular stated that the birth shall be treated as registered only when supported by biological birth certificate or a copy thereof. The place of birth and 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 parents and address of adoptive parents by the Registrar where the birth was originally registered.

5. In view of the above, the petitioners are directed to produce all the required documents before the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent, on enquiry, is directed to correct the name and address of the biological parents by including the names and address of the adoptive parents within a period of four weeks thereafter.



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6. With the above direction, this writ petition stands

allowed. No costs.

27.06.2024

Internet : Yes

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

The Deputy Director cum the Registrar
(Birth and Death),
Public Health and Preventive Medicine,
Government Medical College Hospital,
Thiruvarur.



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G.K.ILANTHIRAIYAN, J.

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