



W.P.No.32375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM:

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

W.P.No.32375 of 2024

Rajeswari Nagarajan

... Petitioner

-Vs-

The Commissioner,
Hosur Municipal Corporation,
Hosur, Krishnagiri District.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent herein to issue Birth Certificate to petitioners' adopted son Skkandan Ramakrishnan (New full name) @ Vincent (Old Name) born on 12.06.2015 by incorporating his new name and petitioner and her husband names as parents by considering petitioner application dated 30.07.2024 submitted to the respondent in terms of Regulation 40 of the Adoption Regulations 2022.

For Petitioner : Mr.R.Prabakar
For Respondent : Mr.T.Balaji
Standing Counsel

ORDER



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This writ petition has been filed for direction directing the respondent herein to issue Birth Certificate to petitioners' adopted son Skkandan Ramakrishnan (New full name) @ Vincent (Old Name) born on 12.06.2015 by incorporating his new name and petitioner and her husband names as parents by considering petitioner application dated 30.07.2024 submitted to the respondent in terms of Regulation 40 of the Adoption Regulations 2022.

2. Heard both sides and perused the materials available on record.

3. The petitioner and her husband got married and they had no issues. Therefore, they had adopted a male child by name Skkandan Ramakrishnan (new full name) @ Vincent (old name) on 18.01.2016, by duly abiding by the rules and regulations. The child was born on 12.06.2015 from the care and custody of one Anantha Ashram Adoption Agency, Denkanikottai Road, Mathigiri, Hosur. They also filed a petition before this Court in O.P.No.701 of 2016 for reassigning the adoption. This Court, by an order dated 03.10.2016 adoption was approved. Thereafter, in order to change his name and incorporate the parents names



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in the birth certificate, the petitioner and her husband submitted an application before the respondent. As per the regulation 40 of Adoption Regulations, the respondent ought to have issued a birth certificate in the new name by incorporating the parents' name.

4. It is relevant to extract the regulation 40 of Adoption Regulation as follows:-

“ 40. 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.”

5. Accordingly, the petitioner submitted an application annexing all the required documents. However, it is pending without any consideration so far. Therefore, the respondent is directed to issue birth certificate to their adopted son Skkandan Ramakrishnan (New full name) @ Vincent (Old Name), born on 12.06.2015 by incorporating his new



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name and the name of the petitioner and her husband as parents, within a period of eight weeks from the date of receipt of a copy of this order, in terms of Regulation 40 of the Adoption Regulations 2022.

6. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

30.10.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

The Commissioner,
Hosur Municipal Corporation,
Hosur, Krishnagiri District.



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G.K.ILANTHIRAIYAN. J.

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