



W.P(MD)No.13139 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13139 of 2024

M.Manimekalai

... Petitioner

Vs.

1.The Commissioner,
Dindigul Municipal Corporation,
Dindigul.

2.The Tahsildar,
Dindigul East,
SIDCO Industrial Estate,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the order by the 2nd respondent vide Moo.Mu.3061/2024/A1 dated 26.06.2024, quash the same and consequently, directing the 2nd respondent to issue Integrated Certificate to the petitioner.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.S.Lawrence
for R1

: Mr.K.Balasubramani
Special Government Pleader for R2



W.P(MD)No.13139 of 2024

ORDER

WEB COPY

Heard both sides.

2. One Moorthy passed away on 11.05.2021. The case of the petitioner is that she is his adopted daughter. The petitioner sought what is known as integrated certificate. Her request was rejected by the second respondent. Challenging the same, this writ petition came to be filed.

3. The stand of the second respondent is that the integrated certificate cannot be issued because the petitioner is not having any registered document in her favour. The stand of the second respondent may not be correct. This is for more than one reason. It is well settled that the registered adoption deed is not a condition precedent for establishing the factum of adoption. The Hon'ble Supreme Court in the decision reported in **2018 (3) CTC 680 (Kamala Rani Vs. Ram Lalit Rai)** had held that long duration of time during which a person is treated as adopted cannot be ignored and by itself may in the circumstances carry a presumption in favour of adoption.

4. In this case, more than anything else, the second respondent himself had issued the legal heir certificate. Having acknowledged the petitioner as a



W.P(MD)No.13139 of 2024

daughter of P.Moorthy S/o.Perumal, it is too late in the day to raise any objection at the time of considering issuance of the integrated certificate. The petitioner has enclosed in the typed set of papers the certified document such as school certificate. It is seen therefrom that Moorthy was mentioned as father of the petitioner. The marriage invitation had also been enclosed. It is seen therefrom that Moorthy and his wife Panchavarnam acted as the petitioner's parents.

5. In this view of the matter, the impugned proceedings stand set aside. The second respondent is directed to issue a integrated certificate as sought for. This shall be done by the second respondent within a period of two weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed. No costs.

16.07.2024

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

To

The Tahsildar,
Dindigul East,
SIDCO Industrial Estate,
Dindigul.



WEB COPY



W.P(MD)No.13139 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.13139 of 2024

16.07.2024