



W.P(MD).No.21555 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21555 of 2024

K.Venkatasubbamma

... Petitioner

Vs.,

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to incorporate the adoptive parents name in the birth certificate of S.Vijaya Deekshitha birth certificate Reg No.295 dated 14.10.2016 in view of the order in H.A.O.P.No.2 of 2018 dated 31.10.2018 and as per notification of central government G.S.R.726(E), Ministry of Women and Child Development dated 23.09.2022 Clause 19(5) by considering the petitioner's representation dated 02.08.2024.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.P.Anbunithi



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ORDER

This writ petition has been filed seeking for issuance of writ of mandamus directing the respondent to incorporate the adoptive parents name in the Birth Certificate of S.Vijaya Deekshitha, Birth Certificate Reg No.295, dated 14.10.2016, in view of the order made in H.A.O.P.No.2 of 2018, dated 31.10.2018, and as per notification of Central Government G.S.R.726(E), Ministry of Women and Child Development, dated 23.09.2022, Clause 19(5), by considering the petitioner's representation, dated 02.08.2024.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that the petitioner and her husband have no issue. The sister of the petitioner's husband gave birth twin female child, namely, Vijaya Deekshitha and Vijaya Desika Sant on 03.10.2016. Since the petitioner and her husband have no children, they decided to adopt a female child, namely, Vijaya Deekshitha from the sister of the petitioner's husband as per the Hindu Caste Customs. The said adoption was also declared on 31.10.2018 by the learned I Additional District Judge, Madurai, in H.A.O.P.No.2 of 2018. Thereafter, the



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petitioner's husband died. It is the contention of the petitioner that in view of the order passed by the Court declaring the petitioner and her husband as adopted parents of said female child, the name of the petitioner and her husband has to be included in the Birth Certificate of the said female child for education purpose. Since the name of the biological parents have been mentioned in the Birth Certificate of the minor child as the petitioner, the petitioner and her husband being the adopted parents, their name has to be included. Hence, she seeks direction of this Court.

4. In view of the above, the only request of the petitioner is that the name of the petitioner and her husband should be substituted in the Birth Certificate of Vijaya Deekshitha in the place of the biological parents. As the status of the petitioner and her husband have been declared as adopted parents of minor child Vijaya Deekshitha by the Court in H.A.O.P.No.2 of 2018 vide order dated 31.10.2018, their name should be in the Birth Certificate of the said minor child, so that, there will not be any confusion with regard to the education of said minor child in future.

5. In such view of the matter, this Court directs the respondent to consider the representation of the petitioner dated 02.08.2024 and pass order effecting



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N.SATHISH KUMAR, J.

Rmk

necessary changes in the birth certificate of Vijaya Deekshitha, within a period of two months from the date of receipt of a copy of this order. It is also made clear that while effecting the changes the original parents name should not be removed, in addition to that the name of the petitioner and her husband will be shown as adopted parents.

6. With the above direction, the Writ Petition is disposed of. No costs.

10.09.2024

NCC : Yes/No

Index : Yes/No

Rmk

To
The Commissioner,
Madurai Corporation,
Madurai.

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