



W.P.(MD).No.7346 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.7346 of 2016

and

W.M.P.(MD)No.6168 of 2016

S.Mariappan

...Petitioner

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Manimutharu Township,
Tirunelveli District.

3.The Additional Registrar of Birth and Death,
Government Primary Health Centre,
Manimutharu – 627 421.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in Aa.Ti.Mu.Ka.No.Nil/2016 dated 22.02.2016 and quash the same and further directing the second to make corrections in the birth certificate of the petitioner's son Raja as per his application dated 20.02.2016 based on the Gazette publication made by the State of Tamil Nadu dated 21.08.2013.



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For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.J.K.Jayaselan
Government Advocate

ORDER

Heard Mr.R.Balakrishnan, learned counsel for the petitioner and Mr.J.K.Jayaselan, learned Government Advocate for the respondents.

2. This Writ Petition has been filed challenging the order passed by the second respondent dated 22.02.2016 and further directing the second to make corrections in the birth certificate of the petitioner's son Raja as per his application dated 20.02.2016 based on the Gazette publication made by the State of Tamil Nadu dated 21.08.2013.

3. The order impugned in the Writ Petition is rejection of the petitioner's application for including the name of the adoptive parents in the birth certificate of their adopted child. The rejection has been made on the ground that no order had been produced along with the application. It is the case of the petitioner that the deed of adoption had been produced before the authority along with the copy of the Gazette



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4. This Court had previously directed the Government Pleader to obtain instructions regarding the procedures followed by the Department concerning the registration of births and deaths, specifically in relation to the circular dated 12.03.2012 and today, he has produced a circular issued by the office of the Registrar General of India indicating the procedure for making / changing entries in the birth records of the child taken for adoption. The said circular indicates that when the adoption order or deed is produced, changes could be carried out based upon the particulars indicated in the said order or the deed. In the present case, the petitioner had produced the deed of adoption and, based on which, he requested the authorities to carry out necessary changes as per the deed of adoption. This aspect has been completely overlooked, and the impugned order passed is also in violation of the circular dated 12.03.2012 indicated above.

5. In view of the matter, the impugned order dated 22.02.2016 is set aside, and the matter is remanded back to the respondents with a direction to comply with the circular dated 12.03.2012 issued by the office of the Registrar General and Census Commissioner, Government of India, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



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WEB COPY 6. Accordingly, this Writ Petition is allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

14.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

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- 3.The Additional Registrar of Birth and Death,
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K.KUMARESH BABU, J.

Nsr

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