



WP.No.19603 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : **29.05.2025**

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.19603 of 2025

1. Mrs. M.Kavitha

2. Mr.S.Pandian

3. Mrs.D.Anandhi

.. Petitioners

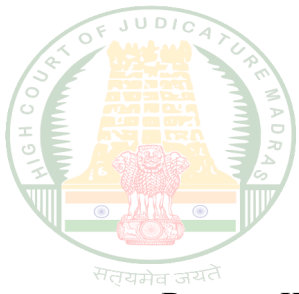
Versus

1. Inspector General Of Registration,
No.100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram,
Chennai-600 028.

2. The District Registrar,
Vellore district.

3. The Sub Registrar,
Joint II Vellore,
Vellore District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned refusal slip dated 12.05.2025 bearing refusal Number RFL/Vellore Joint 1/19/2025 issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to register the adoption deed dated 09.04.2025.

For Petitioner : Mr. D. Yogeswaran

For Respondents : Mr. R. Sasikumar,
Government Advocate.

ORDER

Challenging the impugned refusal slip of the third respondent in refusal Number RFL/Vellore Joint 1/19/2025 dated 12.05.2025 and to quash the same and to further direct the 3rd respondent to register the adoption deed dated 09.04.2025, the present writ petition has been filed.

2. The case of the petitioner is that she was married to one Prabu, with whom she had a male child. Subsequently, they separated due to certain disputes. Thereafter, the petitioner entered into a live-in relationship with another individual and gave birth to a male child, named Mugilan, on 12.03.2025. Due to financial difficulties, she decided to give the child in adoption to the



petitioners 2 and 3, in the best interest and welfare of the child. The petitioners 2 and 3 have expressed their willingness to adopt the child, and the 2nd petitioner is running a travel agency with sufficient income. However, the respondent authorities have declined to register the adoption deed, citing the reason that the biological father of the child has not joined the first petitioner in executing the adoption. Consequently, relying the order of the Madurai Bench of this Court in ***W.P.(MD).No.8416 of 2024 dated 13.06.2024***, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents has raised serious objection.

4. Considering the referred authority, it clearly reveals that if the child is illegitimate, the proviso to Sub-Section (2) of Section 9 does not require obtaining the consent of one's spouse, if alive. It is possible that a child may be born out of a live-in relationship or on account of illicit intimacy. In such cases, the mother may wish to give the child for adoption to ensure a better future for the child. If the father has abandoned the child, the mother is empowered to give the child for adoption. Therefore, this provision is squarely applicable to the facts of the present case. In the case on hand, the child was born out of a live-in



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relationship, and the father has abandoned the child. The petitioners 2 and 3 are

WEB ~~COPY~~ willing to adopt child.

5. In view of the above, the registering authority is directed to register the adoption deed on its representation by the petitioners 2 and 3 within a period of eight(8) weeks from the date of the representation.

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

29.05.2025

mrp

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. Inspector General Of Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram,
Chennai-600 028.

2. The District Registrar,
Vellore district.

3. The Sub Registrar,

4/6



Joint II Vellore,
Vellore District.

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T.V.THAMILSELVI, J.

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