



W.P.(MD) No.4507 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4507 of 2025

S.Jose Janarthanan

... Petitioner

Vs

1. The Commissioner,
Dindigul Municipal Corporation,
No.13, Dindigul-Senthurai Main Road,
Ezhil Nagar,
Dindigul.

2. The Registrar of Births and Deaths
Dindigul Municipal Corporation,
No.13, Dindigul-Senthurai Main Road,
Ezhil Nagar, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to order in Proceeding No.Roc.No.2073/2023/H3 dated 31.10.2023 issued by the first respondent and to quash the same and consequently directing the respondents to issue a copy of Form No. 1-A Birth Report for adopted child-legal information which contains the full details of his biological parents.



WEB COPY



W.P.(MD) No.4507 of 2025

For Petitioner

: Mr.Aayiram K.Selvakumar

For Respondents

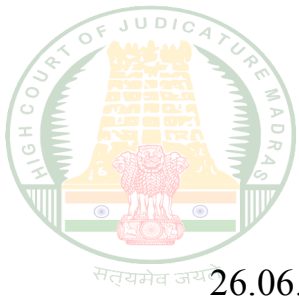
: Mr.J.Lawrance
Standing Counsel

ORDER

The petitioner seeks issuance of writ of Certiorarified Mandamus to quash the proceedings of the first respondent in Roc.No.2073/2023/H3 dated 31.10.2023 and consequently, direct the first respondent to issue Form-1-A for his adoption with the full details of his biological parents.

2. The petitioner, who is aged about 41 years, was born to P.Sathananthan and his wife, Mrs.Agnes Mary. His parents gave him in adoption to Mr.Ignace Soucenadane and Mrs.Annammal @ Paralogamary. The adoption took place on 22.05.1998. The documents have also been registered in Pondicherry.

3. The adoptive mother in order to clear any issues relating to adoption presented LAC.No.168/2003. The suit was decreed pursuant to an order passed by the Lok Adalat, on 31.12.2003. Other proceedings have been initiated in order to correct the name of his biological parents in the Lok Adalat award. All these proceedings were concluded on



W.P.(MD) No.4507 of 2025

WEB COPY

26.06.2009. The petitioner approached the respondents for issuance of certificate with an endorsement in the marginal entry.

4. According to the petitioner, the second respondent has mentioned the name of his adoptive parents, but has not mentioned the name of his biological parents. In other words, in the birth certificate of the petitioner, it was stated as if he was born to Ignance Soucenadane and Annammal @ Paralogamary. But, the name of his biological parents, P.Sathananthan & Agnesh Mary, is not found therein.

5. Since the petitioner's adoptive mother was a French national, issue arose before the french authorities. They queried as to how he has been shown as the son of Annammal @ Paralogamary when his adoptive mother was aged about 68 years at the time of adoption. Hence, the petitioner sought for issuance of a certificate under Form-1A of the Registration of Births and Deaths Act, 1969.

6. Under Form-1A, the certificate will not only contain the name of the biological parents of a child, but also of his adoptive parents. As the



W.P.(MD) No.4507 of 2025

certificate was not issued, he moved a writ petition before this court in W.P.(MD).No.5005 of 2023.

7. A learned Single judge took note of the fact that an application under Section 8 of the Registration of Birth and Deaths Act read with Rule 5 made thereunder had been filed by the petitioner before the first respondent for issuance of Form 1A, a direction was given to consider the said application.

8. The first respondent has rejected the request on the ground the adoption had taken place on 22.05.1998 and Form 1A procedure came into vogue only from 06.08.2015. The first respondent was of the view that as the adoption have taken place prior to the amendment, a certificate to the effect, as sought for by the petitioner, cannot be issued. Hence, the impugned order.

9. I heard Mr.Aayiram K.Selvakumar, learned Counsel for petitioner, Mr.J.Lawrance, learned standing Counsel for the respondents.



W.P.(MD) No.4507 of 2025

WEB COPY

10 Both the counsels narrated the aforesaid facts and pleaded their respective cases.

11. Mr.Aayiram K.Selvakumar places reliance upon the adoption deed and the orders passed by the Civil Courts in Pondicherry on 31.12.2003 and 26.06.2009, to urge that the order passed by the first respondent is erroneous. He points out that there is no bar under the Act to issue a Form-1A for the petitioner, which, according to him, is the effect of the direction given in W.P.(MD).No.5005 of 2023 dated 08.06.2023.

12. Per contra, Mr.Lawrance, the standing Counsel pleads that as the amendment came into force only in the year 2015, and as the adoption had taken place in the year 1998, the first respondent is unable to give the said certified copy of the form.

13. I have carefully considered the submissions made on either side.



WEB COPY

14. Mr.Lawrance, is right in his submission that prior to 06.08.2015, there was no provision for an authority by issuing a birth or death certificates to state whether, the name of the person found in the certificate is that of the biological parent or the adoptive one. In order to rectify the situation, Rule 5 of the Tamil Nadu Registration of Births and Deaths Rules, 2000 was amended by the Government and the amendments were inserted in Form 1A on and from 06.08.2015.

15. A careful perusal of Rule 5 shows that the rule imposes a limitation of 21 days under Rule 5(3) for issuance of certificate with respect to the date of birth, death or still birth. However, there is no such period of limitation, when it comes to the case of adoption.

16. Sections 8, 9 and Rule 5 do not bar the authority under the Births and Deaths Act to give a certified copy of Form 1A for adoption, which have taken place prior to 06.08.2015. None of the statutory provision state that they operate only to prospective adoptions and that the authority is barred from giving any certificates for a child taken in adoption earlier. What has not been prevented is deemed to be permitted.

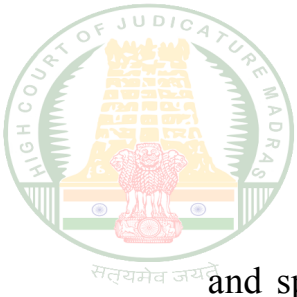


W.P.(MD) No.4507 of 2025

WEB COPY

17. Further more, in this case, the writ petitioner is strengthened by two Awards passed by the Legal Services Authority. The awards are not recent in origin, but are atleast twenty years earlier. The first of the award was passed on 31.12.2003, and the second on 20.06.2009. By virtue of the Legal Services Authorities Act, 1987, an award passed by the Lok Adalat is given the same status as a decree. In terms of Article 261(1) of the Constitution of India, an executive authority has to give full faith and credit to an order or decree passed by the Civil court. By granting certificate under Form 1A, the first respondent is merely endorsing the existing state of affairs and recognizing the decree granted twenty two years ago. As there is no bar in granting the Form 1A for adoption, which have taken place prior to 06.08.2015, and since the petitioner is supported by two decrees of the civil Court, I am inclined to accept the writ petition.

18. Accordingly the writ petition succeeds. The impugned order is set aside. There shall be a direction to the first respondent to issue a certified copy of Form-1A to the writ petitioner giving the date of birth



W.P.(MD) No.4507 of 2025

WEB COPY

and specifying the names of his biological and adoptive parents. The said exercise shall be completed within a period of four weeks from the date of uploading of the order.

19. Post on **26.03.2025**, under the caption for reporting compliance.

20. With the above said observations, this writ petition is disposed of. No costs.

25.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
gvn



W.P.(MD) No.4507 of 2025

WEB COPY

To

1. The Commissioner,
Dindigul Municipal Corporation,
No.13, Dindigul-Senthurai Main Road,
Ezhil Nagar,
Dindigul.

2. The Registrar of Births and Deaths
Dindigul Municipal Corporation,
No.13, Dindigul-Senthurai Main Road,
Ezhil Nagar, Dindigul.



WEB COPY



W.P.(MD) No.4507 of 2025

V. LAKSHMINARAYANAN, J.

gvn

W.P.(MD)No.4507 of 2025

Dated : 25.02.2025