



W.P(MD)No.15444 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.15444 of 2024

Suresh Dharmavel

...Petitioner

Vs.

1.The District Registrar,
Office of District Registrar,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Joint No.II Sub Registrar Office,
Ramanathapuram,
Ramanathapuram District

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned refusal check slip, dated 03.07.2024, bearing refusal number RFL/2 Joint Sub Registrar, Ramanathapuram/49/2024, to to quash the same as unconstitutional and illegal, consequently, to direct the 2nd respondent herein to register the adoption deed, dated 03.07.2024.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned refusal check slip, dated 03.07.2024, bearing refusal number RFL/2 Joint Sub Registrar, Ramanathapuram/49/2024 and consequently, to direct the 2nd respondent herein to register the adoption deed, dated 03.07.2024.

2. The contention of the petitioner is that he had married one Lakshmi but they have no children. The petitioner came to know about one Anjala who had love affair with one Ragu but they were not married, due to affair the said Anjala became pregnant and gave birth to a child, namely Jegan. The said Ragu left the Anjala and the new born Jegan. In such circumstances, the child was adopted by the petitioner and the petitioner intended to execute adoption deed. The respondents had refused to register since the name of the biological father was not mentioned.

3. The issue of single parent giving the child in adoption was already considered in W.P.(MD)No.8416 of 2024, vide order, dated 13.06.2024 has held that the child was born on account of illicit intimacy, further the biological father is absent for practical purposes, in such circumstances the registration department



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cannot insist for the name of the biological father and consent and signature of the biological father.

4. The Hon'ble Supreme Court in the case of Ms.Githa Hariharan and Another Vs. Reserve Bank of India and Another in Writ Petition (C) No.489 of 1995, vide order, dated 17.02.1999, reported in **(1999) 1 CTC 481**, has held that the child interest is paramount interest and the custody of a person would subserve the welfare of the minor then the same ought to be granted. In the present case the adoption would subserve the welfare of the minor child, therefore the respondents cannot insist on the biological father.

5. Further in the present case also, both the child and the petitioner belong to the same religion. Therefore, there cannot be any impediment in registering the present adoption deed.

6. For the reasons stated supra, there impugned refusal slip is quashed and the respondents are directed to register the adoption deed without insisting for the name of the father and other details.



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7. With the above observations and directions, this Writ Petition is
allowed. There shall be no order as to costs.

30.07.2025

Internet : Yes
Tmg

To

1.The District Registrar,
Office of District Registrar,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Joint No.II Sub Registrar Office,
Ramanathapuram,
Ramanathapuram District



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.15444 of 2024**

DATED : 30.07.2025