

W.P.(MD).No.30808 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 12.12.2025

ORDER PRONOUNCED ON : 02.01.2026

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD).No.30808 of 2025

D.Veeraiah

....Petitioner

Vs

1.The District Collector
Thanjavur District
Thanjavur

2.The Municipal Health Officer
Thanjavur Municipality
Thanjavur District

3.The Commissioner
Pudukkottai Municipal Corporation
Pudukkottai

(R3 is suo motu impleaded vide Court
order dated 04.12.2025)

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the second respondent in Na.Ka.No. 2078/2025/H.2 and quash the same as illegal and consequently direct the 1st and 2nd respondents to approve the petitioner's application dated 08.08.2025.



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For Petitioner : Mr.S.Ahamed Bhuhari Wasim Askar

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1

:Mr.N.Dilip Kumar for R2

:Mr.K.R.Kishore Ram for
M/s.R.B.Law Associates
Standing Counsel for R3

ORDER

The present writ petition has been filed challenging the order passed by the second respondent herein wherein the request of the petitioner to incorporate his name and his wife's name as parents of two girl children namely T.Malarvizhi and T.Kumutha in the Birth Certificate has been rejected.

(A).Factual Matrix:

2.One Tamilselvan and Saraswathy are the parents of Ms.T.Malarvizhi and Ms.T.Kumutha. The father had passed away on 08.07.2015 and the mother had passed away on 03.05.2018. Thereafter, both the girl children were under the custody of their father's brother namely Chandrasekar and his wife Amuthavalli. Ms.T.Kumutha was born on 17.12.2005 and Ms.T.Malarvizhi was born on 01.04.2010.

3.On 11.07.2018, the paternal uncle and aunt of both girl children namely Chandrasekar and Amuthavalli had given the said girl children in



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adoption to the present writ petitioner namely Veeraiah and his wife Manimegalai by conducting an adoption function. An invitation was printed and a function was conducted in the presence of the relatives. The paternal uncle and aunt have given these two girl children in adoption to the petitioner and his wife. The petitioner is none other than the brother of Mrs.Saraswathy who is the biological mother of the girl children. Therefore, it is clear that the paternal uncle and aunt have given the girl children in adoption to the maternal uncle and aunt.

4.It could also be seen from the records that the writ petitioner is working as a Driver in Pudukkottai Municipal Corporation. According to him, even after 10 years of married life, they are not blessed with any children.

5.In order to record the adoption that had taken place on 11.07.2018, a registered adoption deed was executed by paternal uncle and aunt of the girl children on 13.01.2025. Even though both the girl children were given in adoption to the writ petitioner and his wife under the function that took place on 11.07.2018, the registered adoption deed refers only to the adoption of the younger child namely T.Malarvizhi. The adoption deed is restricted to the adoption of Ms.T.Malarvizhi because in the year 2025, the elder daughter Ms.T.Kumutha had already attained majority. However, on the date of performance of adoption ceremony namely on 11.07.2018, both elder and



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younger girl were aged about 13 and 8 respectively.

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6. Based upon the adoption deed, the petitioner had approached the second respondent Municipality to issue a fresh birth certificate in favour of both the girl children incorporating the name of the adoptive parents. This application was made on 19.02.2025 and it has been rejected under the impugned order dated 28.05.2025 on the ground that when they obtained legal opinion from their counsel, they were informed that the adoption deed cannot be considered to be legally admissible document for amending the name of the parents in the birth certificate. Based upon the said findings, the request of the petitioner was rejected. Challenging the same, the present writ petition has been filed.

(B).Contentions of the counsels:

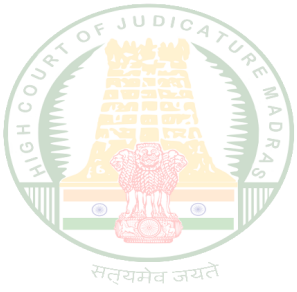
7. According to the learned counsel for the writ petitioner, both the girl children were adopted while they are 13 and 18 years old respectively by way of performing adoption ceremony on 11.07.2018 in the presence of the elders by distribution of invitation. According to him, the registration of adoption is not mandatory under the laws applicable to the petitioner as well as the adopted children. According to him, he is employed in the third respondent Corporation and he wants to incorporate the name of both the girl children in his service records so that they would become eligible for his service benefits. He further submitted that they are not blessed with children for more



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than 10 years of their married life and both girl children are none other than his own sister's daughter. Being an adoption between close relatives, the registration of the adoption is not mandatory. He further submitted that the third respondent Municipal Corporation refuses to incorporate the name of both the girl children in the service records of the petitioner on the ground that the birth certificate incorporating the name of the petitioner and wife is not been produced. Therefore, they approached the second respondent for amendment of the birth certificate already issued to the girl children. Insisting upon the Court order and not being satisfied with the adoption deed ceremony and the adoption deed, the second respondent has now rejected the request for amendment of birth certificate on both girl children.

8.The learned counsel appearing for the second respondent Municipality submitted that the adoption deed refers only to the adoption of the younger girl child namely T.Malarvizhi. He had further submitted that the writ petitioner and his wife have to resort to the adoption under the Juvenile Justice (Care and Protection of Children) Act, 2015. Under the said Act, the Regulations have been framed in the year 2002. He had also relied upon Regulation Nos.36 and 38. He pointed out Regulation No.40 provides for incorporation of the names of the adoptive parents as parents of the adopted child as mentioned in the adoption order issued by the District Magistrate. He also relied upon Section 58 of the Act.



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(C).Enquiry by the Court

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9.This Court has directed the petitioner and his wife to appear in person along with both girl children. The elder daughter is 20 years and she is studying in College and the younger daughter is 15 years old and she is studying in the School. Both the girl children were enquired in the Chamber in the absence of the writ petitioner and his wife. In unison, they stated that after the death of their parents, only the petitioner and her wife are taking care of them and spending towards their educational expenses for the past 10 years. They are comfortable in their maternal uncle's house and they would continue to be in his custody. They expressed their intention to continue to reside with the writ petitioner and his wife.

10.The petitioner and his wife were enquired by this Court in the Chamber. They have stated that they are not blessed with children for so many years and they are happy to adopt these two girl children who are none other than the petitioner's sister's daughters. They have further submitted that the petitioner's wife namely Manimegalai is none other than the sister of the girl children's father namely T.Tamilselvan.

11.The District Child Protection Officer, Government Children Home Campus, Thanjavur in his report dated 28.11.2025 has submitted that the writ petitioner is a Driver in the third respondent Municipal Corporation and from the date of death of their parents, the children are residing with the writ



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petitioner and his wife. It is further reported that none of the other relatives have come forward to take care of the girl children. He had further reported that the writ petitioner is receiving a salary of Rs.41,000/-. Though the petitioner got married in the year 2008, so far they have not been blessed with any child. The petitioner and his wife are taking care of both the children and the children feel comfortable and happy in the custody of the petitioner and his wife. He had further reported that the writ petitioner is capable of providing basic amenities, financial help, education and care to the children.

(D).Analysis:

12.In the light of the above said facts, let us consider the objections raised by the second respondent in the impugned order for rejecting the request of the writ petitioner for incorporating the name of the adoptive parents in the birth certificate of both children.

13.A perusal of the impugned order reveals that it has been passed solely on the ground that the adoption deed cannot be considered to be a legally acceptable document for amending the birth certificate of both the girl children.

14.Let us consider the legal position on the objection raised by the second respondent Municipality.

15.Both the girl children, the petitioner and his wife are governed by the Hindu Adoptions and Maintenance Act, 1956. As per Section 16 of Hindu



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Adoptions and Maintenance Act, whenever an adoption deed is registered, the Court shall presume that the adoption has been made in compliance with the provisions of the Act unless and until it is disproved. As per the Act applicable to the writ petitioner and the girl children, after the death of the parents of the girl children, the paternal uncle and aunt have given both the girl children in adoption to the maternal uncle and aunt by way of conducting ceremonies on 11.07.2018. When the adoption ceremony had taken place, the elder child was 13 years old and the younger child was 8 years old and therefore, both the girl children were capable of being given in adoption as per Section 10 of the Hindu Adoptions and Maintenance Act, 1956.

16. After the death of the biological parents, as a guardian, the paternal uncle and aunt have given adoption in favour of the writ petitioner. Therefore, they are also capable of giving in adoption as per Section 9 of the Act. When both the girl children were adopted in the year 2018, the age difference between the elder girl child and the adoptive father was more than 21 years. Therefore, the condition specified under Section 11 of the Hindu Adoptions and Maintenance Act, 1956 has also been satisfied. An invitation has been printed for such an adoption ceremony which was followed by a registered adoption deed dated 13.01.2025. The said adoption deed reflects the ceremonies performed on 11.07.2018. However, the adoption deed refers only to the adoption of the younger girl child in view of the fact that the elder



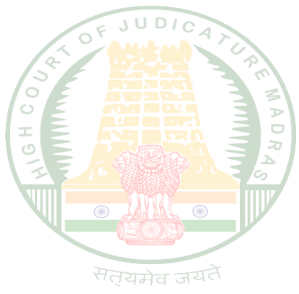
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girl child by that time had attained majority. No contra records have been placed before this Court disputing the adoption. In such circumstances, the Court has to invoke Section 16 of the Act that adoption has been made in compliance with the provisions of the Act.

17.The Hon'ble Supreme Court in a judgment reported in **(2013) 3 SCC 409 (Param Pal Singh through father Vs. National Insurance Company and another)** in Paragraph No.14 has held as follows:

“14.In this context, it will be worthwhile to note the requirement of registration of an adoption deed. Section 17 of the Registration Act specifically refers to the documents of which registration is compulsory. The deed of adoption is not one of the documents mentioned in sub-section (1) of Section 17 which mandatorily requires registration.....”

18.In such circumstances, this Court is of the considered opinion that the valid adoption of both girl children had taken place on 11.07.2018 itself and the petitioner and his wife have become adoptive father and mother of both the girl children. Therefore, the registration of adoption deed is not mandatory. In such circumstances, reasoning of the second respondent for rejecting the request of the petitioner for issuance of fresh birth certificate to both girl children on the ground that the adoption deed is not a legally admissible document cannot be accepted.



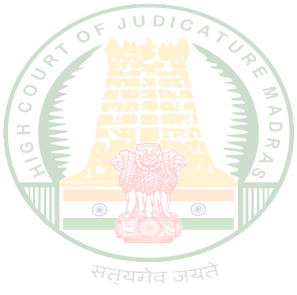
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19. In view of Section 56(3) of Juvenile Justice (Care and Protection of Children) Act, 2015, the said Act or Adoption Regulations 2002 would not be applicable when the adoption of the children have been made under the provisions of Hindu Adoptions and Maintenance Act, 1956.

20. The next question that arises for consideration is whether the name of the biological parents can be deleted and name of the adoptive parents could be substituted in the birth certificate as requested by the petitioner.

21. This Court in a judgment reported in **(2020) 6 Mad LJ 390 (Viveknarendran and another -Petitioners)**, while considering a similar request has categorically held that even after a valid adoption, the name of the biological parents cannot be deleted from the birth certificate. A separate column has been introduced under Form 1-A which are traceable to Rule 5 of Tamil Nadu Registration of Births and Deaths Rules, 2000 which provides for incorporation of the name of the adoptive father and adoptive mother along with the name of the biological parents. This judgment has been followed by another learned Single Judge of this Court in **W.P.No.36425 of 2024 (Dhasana Moorthy Vs. The Registrar of Births and Deaths Erode City Municipal Corporation, Erode and another)** dated 29.01.2025.



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22.Rule 5 of Tamil Nadu Registration of Births and Deaths Rules, 2000

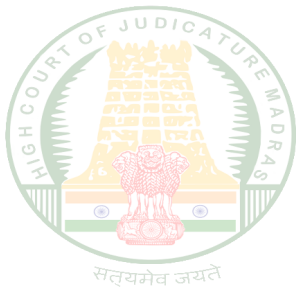
is extracted as follows:

“5. Form for giving Information of births and deaths: ---

The information required to be given to the Registrar under section 8 or section 9, as the case may be, shall be in Form-1, Form 1-A, Form 2 and Form 3 for the Registration of birth, adoption of child, death and still birth respectively, herein after to be collectively called the reporting forms. Information, if given orally shall be entered by the Registrar in the appropriate reporting form and the signature/ thumb impression of the informant obtained.

(2) The part of the reporting form containing legal information shall be called as “Legal Part” and the part containing statistical information shall be called as “Statistical Part”.

(3) The information referred to in sub-rule (1) shall be given within twenty one days from the date of birth, death or still birth.”

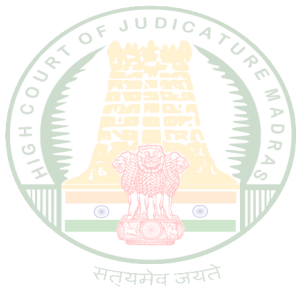


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WEB COPY 23. Form 1-A is extracted as follows:

Form No. 1A
(See Rule 5)

Form No. 1-A Birth Report for Adopted Child Legal Information (This part to be added to the Birth Register) To be filled by the informant	Form No.1-A Birth Report for Adopted Child Statistical Information (This part to be detached and sent for statistical processing) To be filled by the informant
1*. Date of Birth: _____ (if known, write exact date of birth) (Otherwise record the date of birth as ascertained by the Magistrate) 2*. Sex : _____ (Enter *Male or Female) Do not use abbreviation 3. Name of the Child: _____ (If name is changed on adoption, write new name) 4*. Name of the Mother:(If known) _____ UID Number of Mother (if any) _____ 5*. Name of the Father:(If known) _____ UID Number of Father(if any) _____ 6. Date and number of adoption deed / order: _____ 7. Name of the adoptive mother: UID Number of adoptive mother(if any) _____ 8. Name of the adoptive father: UID Number of adoptive father (if any) _____ 9. Address of adoptive parents as recorded in Adoption deed: _____ _____ 10. Permanent address of adoptive parents : _____ 11*. Place of birth _____ 12. If adoption through agency write the place and address of the Adoption agency _____ 13. Informant's name and address: _____ _____ (After completing all columns 1 to 18 informant will put date and signature here) *As contained in the original birth certificate. Date _____ Signature or left thumb mark of the informant _____	14. Religion of the adoptive Father: (Tick the appropriate entry below) 1. Hindu 2. Muslim 3. Christian 15. Adoptive Father's level of education: (Enter the completed level of education e.g. if studied upto class VII but passed only class VI, write class VI) 16. Adoptive Mother's level of education: (Enter the completed level of education e.g. if studied upto class VII but passed only class VI, write class VI) 17. Adoptive father's occupation (if no occupation write 'Nil') 18. Adoptive mother's occupation: (If no occupation write 'Nil') (Columns to be filled are over, Now put signature at left)
To be filled by the Registrar Registration No: _____ Registration Unit _____ Town/ Village _____ District: _____ Remarks:(If any) _____ Name and Signature of the Registrar _____	To be filled by the Registrar Name _____ Registration No. _____ Registration Date: _____ District: _____ Date of Birth _____ Taluk: _____ Sex: 1. Male 2. Female Town/ Village : _____ Place of Birth: _____ Registration Unit: _____ Name and Signature of the Registrar _____ Code No: _____



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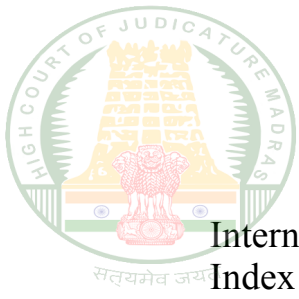
24.A perusal of Form 1-A clearly reveals that the name of the biological mother and father have to be incorporated in Sl.Nos. 4 and 5. The name of the adoptive mother and father have to be incorporated in Sl.Nos.7 and 8. In such circumstances, the request of the petitioner for deletion of the name of the biological parents of the girl children cannot be accepted in the eye of law. However, there shall be a direction to the second respondent to issue birth certificate to both the girl children namely Ms.T.Kumutha and and Ms.T.Malarvizhi under Form 1-A of Tamil Nadu Registration of Births and Deaths Rules, 2000. After issuance of such birth certificate by the second respondent, the petitioner at liberty to approach the third respondent to include the name of the adoptive children in his service records.

(E).Conclusion:

25.In view of the above said deliberations, the order impugned in the writ petition is quashed and the second respondent is directed to issue a birth certificate to both the girl children under Form 1-A incorporating the name of the petitioner and his wife as adoptive parents of the girl children along with the name of the biological parents.

26.In fine, this writ petition is allowed to the extent as stated above. No costs.

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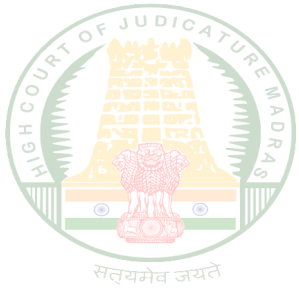
To

1.The District Collector
Thanjavur District
Thanjavur

2.The Municipal Health Officer
Thanjavur Municipality
Thanjavur District

3.The Commissioner
Pudukkottai Municipal Corporation
Pudukkottai

4.The Section Officer
V.R.Section
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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