

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 2076 OF 2025

Between:

Perugu Dhurgabavani, W/o. Late Chakrapani, Aged. 33years, Occ:
Housewife, R/o. Chintayapalem - Vill & Post, Karlapalem- Tehsil, Guntur -
District Andhra Pradesh-State-522111

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Department of Women and Child Welfare Secretariat, Hyderabad.
2. The Child Welfare Committee, Rep by its Chairperson, Alwal Medchal Malkajgiri District Telangana State - 500010.
3. Directorate of Women Development and Child Welfare Department, Rep By its Director Yosufguda Main Road Madhura Nagar Yosufguda Hyderabad - 500045
4. The Station House Officer, Medipally Police Station, Medipally, M.M Dist - 501301.
5. Mohammad Anif Gulam Rasool Shaik, R/o. Mahakoliwada Nauma Chowk, Navi Mumbai D2 PIN 400007.
6. Nazma Mohammad Anif Shaik, R/o. Mahakoliwada Nauma Chowk, Navi Mumbai D2 PIN - 400007.
7. Central Adoption Resource Agency, Ramakrishna Puram, New Delhi PIN - 110054 (Formal Party)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order, or direction, more particularly one in the nature of a writ of mandamus by setting aside the order dt. 09.12.2024 and publication dt. 10.12.2024 passed by the office of Respondent No.2 without considering the representation of the Petitioner dt. 31.05.2024, 07.06.2024, 11.12.2024 and

07.01.2025 and declaring the action of the Respondent No 2 as being illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent not to give the petitioners adoptive child Perugu Bhavya Sree to others, pending disposal of the Writ Petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of the publication Dt. 10.12.2024 in respect of the Child Bhavya Shree pending disposal of the above writ petition.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to grant us visitation of our baby girl namely Perugu Bhavya Sree on dated 19/02/2025 from 11 am to 4 pm.

IA NO: 4 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to produce my baby girl namely Perugu Bhavya Sree before the Hon'ble Court to know the mental and physical condition of the child.

IA NO: 5 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to grant us visitation of our baby girl namely Perugu Bhavya Sree.

IA NO: 6 OF 2025

Between:

1. The State of Telangana, Rep by its Principal Secretary Department of Women and Child Welfare Secretariat, Hyderabad.
2. The Child Welfare Committee, Rep by its Chairperson, Alwal Medchal Malkajgiri District Telangana State - 500010.
3. Directorate of Women Development and Child Welfare Department, Rep By its Director Yosufguda Main Road Madhura Nagar Yosufguda Hyderabad - 500045

...PETITIONER/RESPONDENT

AND

1. Perugu Dhurgabavani, W/o. Late Chakrapani, Aged. 33years, Occ: Housewife, R/o. Chintayapalem - Vill & Post, Karlapalem- Tehsil, Guntur - District Andhra Pradesh-State-522111

...RESPONDENT/WRIT PETITIONER

2. The Station House Officer, Medipally Police Station, Medipally, M.M Dist - 501301.
3. Mohammad Anif Gulam Rasool Shaik, R/o. Mahakoliwada Nauma Chowk, Navi Mumbai D2 PIN 400007.
4. Nazma Mohammad Anif Shaik, R/o. Mahakoliwada Nauma Chowk, Navi Mumbai D2 PIN - 400007.
5. Central Adoption Resource Agency, Ramakrishna Puram, New Delhi PIN - 110054

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order passed on W.P.No.2076/2025 on dated:27.01.2025 in the interest of justice.

IA NO: 7 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to allow the present Petition by considering, applying, and extending the order dated 12.08.2025 passed in SLP (C) No. 4342 of 2025, which arose from the common order dated 28.11.2024 passed in a batch of nine Writ Appeals (Nos. 1193, **1228**, 1257, 1260, 1265, 1266, 1267, 1268, and 1277 of 2024), and by directing the Respondents to forthwith hand over the custody of my adopted baby girl, Perugu

Bhavya Sree, to me, considering the paramount welfare of my toddler and in the interest of justice.

Counsel for the Petitioner: SRI C.RAKEE SRIDHARAN

Counsel for the Respondents 1 to 3: GP FOR WOMEN DEV & CHILD WELFARE

Counsel for the Respondent No.4: GP FOR HOME

**Counsel for the Respondent No.7: Ms.KAVITHA YADAV, SC FOR CENTRAL
GOVT**

Counsel for the Respondents Nos.5 & 6: - - -

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO. 2076 OF 2025

DATED 23.12.2025

Between:

Perugu Dhurgabavani.

.... Petitioner

And

The State Of Telangana,
Represented by its Principal Secretary,
Department of Women and Child Welfare,
Secretariat, Hyderabad and Six Others.

...Respondents

ORDER:

In this writ petition, the petitioner is seeking a writ of mandamus to set aside the order dated 09.12.2024 and publication dated 10.12.2024 by respondent No.2 as illegal, arbitrary and to declare that it was passed without considering the representations of the petitioner dated 31.05.2024, 07.06.2024, 11.12.2024 and 07.01.2025 and to pass such other order or orders in the interest of justice.

2. Brief facts leading to the filing of the present writ petition are that the petitioner claims to be the adopted mother

of the child Perugu Bavya Shree. She claims that she along with her husband, adopted a child through adoption deed dated 28.06.2022 from the respondents No.5 and 6, who are the biological parents of the child. It is stated that though the petitioner and her husband were married for several years, they did not have any children and through a nurse, they came to know that there is a child for adoption and that the respondents No.5 and 6 have four girl children and therefore the 5th child was offered for adoption and therefore, the petitioner and her husband paid Rs.1,50,000/- to them and have taken the child in adoption and have been taking care of the baby ever since and they have named the child as Perugu Bavya Shree. It is submitted that while the child was growing under the protected environment, the petitioner received a call from the respondent No.4 on 28.05.2024 instructing her and husband to bring the child to the police station and as soon as they reached the police station, the child was snatched away from their hands on 29.05.2024 without due process of law and the child was handed over to the custody of the respondent No.3 and the child was distressed and fainted in the station. It is stated that the petitioner thereafter filed a writ petition i.e., W.P.No.21108 of 2024 before this Court and the same was allowed by a common

order dated 23.09.2024 in W.P.Nos.22020 of 2024 and batch, directing the respondents to handover the children to the adopted parents and also granted liberty to the petitioners therein to adopt the prescribed procedure for continuing the custody of the children with them, if they so desire by having validly executed adoption deeds or by following any other legal procedure which would allow them to retain their custody forever as observed by the Division Bench of Bombay High Court in its judgment dated 22.07.2024.

3. It is stated that aggrieved by the order of the single judge, the respondent No.2 filed a Writ Appeal No.1228 of 2024 against the order in W.P.No.21108 of 2024, dated 23.09.2024 and the same was disposed of on 28.11.2024 in W.A.No.1265 of 2024 and batch by observing that the Court was not inclined to disturb the custody of the children on account of non-compliance of Sections 36, 37 and 38 of 2015 Act and observed that the Committee shall pass an order in terms of Section 37 of the 2015 Act within a period of two weeks from the date of receipt of a copy of the order passed by the Court and since some of the adoptive parents had filed an applications seeking adoption of the children, the competent authority was directed to decide the applications seeking adoption within a period of

four weeks from the date of receipt of copy of order passed and further observed that the custody of the children shall be subject to outcome of the said directions.

4. It is stated that without considering the petitioner's application for adoption, which was pending with the authorities, the respondent No.2 passed the impugned order dated 09.12.2024 and the publication dated 10.12.2024 holding that all the children mentioned therein are 'legally free for adoption'. It is stated that the name of the child Parugu Bavya Shree is also mentioned in the said list and that the said name was given to the child by the petitioner and her husband when she was six days old. It is submitted that during the pendency of the writ petition, the petitioner's husband has died. It is stated that the respondent No.2 had partly complied with the order of the Writ Appeal and rest of the order was not complied with i.e., with regard to the legal adoption of the child by the petitioner. It is stated that the petitioner's application dated 31.05.2024 and 07.06.2024 have not been considered nor were they disposed of by the respondents and therefore, there is a willful disobedience of the orders of this Court by virtue of the order dated 09.12.2024 and publication dated 10.12.2024.

5. Learned counsel for the petitioner submitted that the child was six days old when she was taken in adoption from the natural mother of the child and that the petitioner and her husband also reduced the adoption into writing in their own understanding and have been taking care of the child ever since. It is stated that since the child would not come within the definition of 'abandoned child' or 'child in need of care and protection' under Sections 2(1) and 2(14) of Juvenile Justice Act, the respondents did not have any jurisdiction to take away the child from their custody and give the custody of the child to the respondent No.3.

6. Learned counsel for the petitioner further submitted that the Social Investigation Report of the social worker in respect of the petitioner also demonstrates that the child was being taken care of by the petitioner and her husband and she suffered no negligence or abuse in the hands of the adoptive parents and they also suggested handing over the child to the adoptive parents. Therefore, according to the learned counsel for the petitioner, the respondents have acted in haste in taking the child from the petitioner's custody and in handing over the child to the custody of the respondent No.3. She further submitted that the petitioner has also registered for adoption under the

respondent No.7 but the same was rejected on the ground that the petitioner has not submitted all the relevant documents and the petitioner has made a subsequent application again on 01.04.2025 by uploading all the relevant documents, but the home study report which was supposed to be uploaded by the respondent agency has not been uploaded and therefore, the petitioner's application has not been considered by the respondent No.7. It is stated that the respondent No.7 is now considering the application of the petitioner as a fresh application and not as an application which has been directed to be considered by the Hon'ble Division Bench of this Court and therefore, their action is illegal and arbitrary. She submitted that there is an emotional bond between the petitioner and the child Perugu Bavva Shree and therefore, her application for adoption should be considered only with regard to the said child and not for any other child. It is stated that the respondents are stating that the petitioner will have to wait in queue and she may be given any other child but not the child who has been brought up by the petitioner. Learned counsel for the petitioner further submitted that the respondents have not followed the procedure laid down while taking the child into their custody such as counseling the parents or the children

and have behaved very rudely while taking the child away from the adoptive parents.

7. Learned counsel for the petitioner placed reliance upon the decision of the Hon'ble Supreme Court in SLP (C) No.4342 of 2025, wherein the Hon'ble Supreme Court has considered the claim of the adoptive parents in similar circumstances and submitted the writ petition number of the petitioner was also mentioned therein and the Hon'ble Supreme Court has considered the 'General Principles in Section 3 of the Juvenile Justice Act to direct the respondent authorities to handover the custody of the children to the respective adoptive parents. She submitted that as a safeguard and in the best interest of the children, the Hon'ble Supreme Court has directed the Member Secretary of the State Legal Services Authority or Member Secretary of the District Legal Services Committee, within whose jurisdiction the 'adoptive parents' reside to seek reports on the welfare and progress of the child from the respective 'adoptive parents' on a quarterly basis. She further submitted that in many cases of adoption through CARA, many of the children have not been able to adapt to the adopted atmosphere and have been returned to the child care institutions and she has filed a newspaper report with regard to

the same. She therefore, submitted that the custody of the child be given to the petitioner herein in accordance with the directions of the Hon'ble Apex Court in the above case.

8. Learned Government Pleader for Women Development and Child Welfare, on the other hand, relied upon the directions of the Division Bench in the Writ Appeal order and also the order of the Child Welfare Committee dated 09.12.2024, wherein it was observed that after due enquiry and based on the investigation report submitted by the Medipally Police Station, the children were declared as 'legally free for adoption' under Section 37(h) of the Juvenile Justice Act of 2015. She submitted that though the petitioner has made an application to CARA i.e., the respondent No.7 for adoption, she did not fulfill the conditions i.e., did not upload all the relevant documents and therefore, the application has been rejected. Further, she has drawn the attention of this Court to Para-6 of the writ affidavit filed in W.P.No.21108 of 2024 wherein the petitioner's husband himself had admitted to have paid Rs.1,50,000/- to the alleged biological parents of the baby for the baby and that the adoption deed dated 16.08.2022 was enclosed with girl child's birth report and maternity report of the biological mother. It is stated that Section 61 of the Juvenile

Justice Act prohibits any payment to be received for consideration for adoption. She referred to Sections 16 and 17 of Hindu Adoptions and Maintenance Act, to submit that only registered adoption deeds are to be presumed to be correct and since no such document is registered in this case, the adoption cannot be considered as legal. She also placed reliance upon the Social Investigation Report placed at Page Nos.189 to 199 to submit that the petitioner and her deceased husband were working as coolies and therefore, they were not financially stable to look after the baby child. She also placed reliance upon the report of the Police dated 07.12.2024, wherein it is stated that the biological parents of the baby child could not be traced out and therefore, she submitted that the contentions of the petitioner that the child was adopted from the biological parents cannot be accepted. She submitted that since the petitioner herein has admitted to having made the payment, the adoption cannot be considered to be legal. She also referred to Sections 80 and 81 of the Juvenile Justice Act which prescribes the punitive measure for adoption without following prescribed procedures and also the punishment prescribed for sale and procurement of children for any purpose. She therefore prayed for dismissal of the writ petition.

9. In reply, the learned counsel for the petitioner submitted that the petitioner has not received any reply from the CARA authorities till the date of filing of the writ petition with regard to her application for adoption and the second application to CARA is also filed along with all the relevant documents but it's only at the instructions of the respondent authorities that the house study report has not been uploaded by the agency and therefore, her application for adoption has not been considered. She prayed that the custody of the child be given to the adoptive parents/petitioners herein.

10. The learned standing counsel for the respondent No.7 referred to Section 10 of the Adoption Regulation of 2022 for adoption procedure for resident Indians and submitted that except by following the said procedure, the legal adoption cannot be made. She referred to Schedule-VI thereof which is the online registration form and list of documents to be uploaded for in-country adoptions and submitted that the petitioner has not submitted the relevant documents for adoption. She further submitted that CARA follows the regulations scrupulously and the applications for the adoptions will be considered in seriatim and therefore, the petitioner will have to wait in the queue.

11. Having regard to the rival contentions and the material on record, this Court finds that the writ petition herein has already referred to by the Hon'ble Supreme Court in SLP (C).No.6322 of 2025 in the case of **Dasari Anil Kumar and Another Vs. The Child Welfare Project Director and Others**, and by invoking the provisions of Article 142 of the Constitution of India and the Hon'ble Supreme Court has directed the respondents authorities to hand over the custody of the children to the respective adoptive parents. Following the same, the another writ petitioner in W.P.No.139 of 2025 in the case of Gudla Jayachandra Reddy and Another, also, the Hon'ble Supreme Court has directed to hand over the custody of the child to the respective adoptive parents. Since this writ petition was also part of the batch and in the very same batch, the Hon'ble Supreme Court has passed the order of handing over the custody of the child to the respective adoptive parents, this writ petition is also allowed with similar directions. For the purpose of ready reference the relevant paragraph of the Hon'ble Supreme Court is reproduced hereunder:

"3. The appellants assailed the validity of the action of the police authorities in taking away the custody of the minor children from them as they claim to be the "adoptive parents" on the premise that it is without authority of law. The details of the cases as narrated by the Division Bench of the High Court in Writ Appeal

Nos.1265 of 2024, 1277 of 2024, 1267 of 2024, 1266 of 2024 are extracted as under:

"In W.A. No.1265 of 2024, it is the case of the respondents No.1 and 2 that they are the adoptive parents of one minor girl child, namely D. Maanvika, who is aged about three years. It is their case that respondents No.1 and 2 were informed through a common friend that a nine days old baby girl is available for adoption. The aforesaid respondents therefore adopted the child on 30.03.2024, in accordance with the provisions of the Hindu Adoptions and Maintenance Act, 1956 (hereinafter referred to as, "the 1956 Act"). In W.A.No.1277 of 2024, the respondent No.1 claims that she has adopted a two days old baby girl, namely K. Unika Maheshwari, from her biological parents on 15.11.2021, as they were not in a position to bring up the child. In W.A.No.1267 of 2024, the respondents No.1 and 2 assert they learnt through a common friend that a twenty days old baby girl, namely S.Rishika, is put up for adoption. Therefore, the said respondents adopted the said child on 26.01.2024 from her biological parents. In W.A.No.1266 of 2024, the respondents No.1 and 2 claim to be adoptive parents of a minor child, namely E Sresta. It is their case that they adopted the aforesaid two days old baby girl on 22.01.2024 from the biological parents."

4. In fact, there were petitioners, who are said to be "adoptive parents" in nine Writ Petitions before the learned Single Judge of the High Court, who sought a declaration that action of the Commissioner of Police, Rachakonda and Station House Officer, Medpally Police Station in forcibly and illegally taking the custody of the minor children from the appellants and handing them over to the Child Welfare Project Director and integrated Child Protection Services, Sishuvihar, Hyderabad on the basis of the First Information Report No.579 of 2024 dated 22.05.2024 was illegal, arbitrary and violative of Articles 14 and 20 of the Constitution of India.

5. The learned single Judge by his common order dated 23.09.2024 passed in W.P.Nos.22020, 19623, 21108, 21980, 21981, 17040, 22026, 22429 and

23727 of 2024 allowed the Writ Petitions and held that the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity, "the Act"), did not apply to the fact situation of the cases and further the action of the police authorities in taking the custody of the children in question from the appellants herein who claim to be adoptive parents of the children in question was illegal and without authority of law. The learned single Judge of the High Court granted liberty to the appellants herein to adopt the procedure prescribed for continuation of the custody of the children with them by validly executing adoption deeds or by following any other procedure which would allow them to retain the custody of the children forever.

6. Being aggrieved by the said common order dated 23.09.2024 passed by the learned single Judge, the Child Welfare Project Director, Women, Children, Disabled And Senior Citizen and Welfare Department, Medchal, Malkajgiri District and Directorate of Women Development and Child Welfare Department, represented by its Director, Yusufguda Main Road, Madhuranagar, Yusufguda, Hyderabad, had preferred the appeals. There were also intervening application in the Writ Appeals. By the impugned judgment, the Division Bench of the High Court for the State of Telangana disposed of the appeals by setting aside the order of the learned single Judge and observed in paragraphs 25 and 26 as under:

"25. The children in question are in the custody with the Committee since 22.05.2024. Therefore, presently in the obtaining factual matrix of the case, we are not inclined to disturb the custody of the children on account of non-compliance of Sections 36, 37 and 38 of 2015 Act. It is stated before us that social investigation has been completed.

26. However, it is necessary to issue the following directions:

(1) The Committee shall pass an order in terms of Section 37 of the 2015 Act within a period of two weeks from the date of receipt of copy of the order passed today.

(2) Some of the adoptive parents have filed an seeking adoption of the children. The competent authority

is directed to decide the application seeking adoption within a period of four weeks from the date of receipt of copy of order passed today.

(3) Needless to state that the custody of the children shall be subject to outcome of the aforesaid directions."

7. Hence, these appeals.

8. We have heard learned senior counsel for the appellants and learned counsel for the respondents and learned ASG at length. We have perused the material on record.

9. The details of the "Adoptive parents" and the children are provided by learned senior counsel for the appellants in a tabular form, which is reproduced as under:

SL. NO	SLP NO.	NAME AND OCCUPATION OF PARTIES	DISTRICT & STATE OF RESIDENCE OF PARTIES	NAME OF THE BABY	DATE OF ADOPTION	DATE OF CONFISCATION
1.	SLP (C) No. 6322 of 202	P1- Dasari Anil Kumar (Occupation - Assistant Engineer-Scientific Assistant, Bhabha Atomic Research Centre) P2- Bezawada Sathya (Occupation- Customer Associate, State Bank of India)	Prakasam District, Andhra Pradesh State	D. Maanvika	30.03.2024	22.05.2024
2.	SLP (C) No. 4342 of 2025	Sole Petitioner - Kandala Padma (Occupation - Village Organization Assistant) Husband - Late Kandala Venkat Reddy (Passed away on 05.05.2023, after the adoption)	Nalgonda District, Telangana State	K. Uma Maheshwari	15.11.2021	22.05.2024
3.	SLP (C) No. 6426 of	P1 - Shulla Malleesh (Occupation - Senior Graphic Designer,	Medchal-Malkajgiri District,	S. Rishika	20.01.2024	22.05.2024

	2025	BRK News) P2- Sowla Sruthi (Occupation - Pharmacist in Apollo Pharmacy)	Telangana State			
4.	SLP(C) No.660 5 of 2025	P1 - B Santosh (Occupation - Assistant Project Manager, GMMCO Limited) P2- Dasari Jagadeeswari Devi (Occupation- Quality Designer - I, Electronic Arts Games India Pvt. Ltd.)	Hyderabad, Telangana State	B.Sresta	22.01.2024	22.05.2024

10. Having heard learned senior counsel for the appellants and learned counsel for the respondents, we find that ends of justice would be served in the instant case by directing return of the above-mentioned children to the "adoptive parents". We also say so by invoking our powers under Article 142 of the Constitution in the peculiar facts of the case.

11. This is in the interest of the children owing to the bonding between the "adoptive parents" and the respective children. This is by following the principle of the best interest of the child; principle of family responsibility; principle of safety, positive measures, principle of Institutionalization as a measure of last resort; principle of repatriation and restoration, which are also enunciated as general principles in Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

12. For ease of reference, the aforesaid principles are extracted as under:

"3. General principles to be followed in administration of Act.- The Central Government, the State Governments, the Board, the Committee, or other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:

(iv) *Principle of best interest:* All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

(v) *Principle of family responsibility:* The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(vi) *Principle of safety:* All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(vii) *Positive measures:* All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.

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(xii) *Principle of institutionalisation as a measure of last resort:* A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

(xiii) *Principle of repatriation and restoration:* Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest."

13. In the circumstances, we direct the respondent-authorities to handover the custody of the children to the respective "adoptive parents" on or before 14.08.2025 by 05:00 PM.

14. However, as a safeguard and in the best interest of the children, we direct that the Member Secretary of the State Legal Services Authority and/or the Member Secretary of the District Legal Services Committee, within whose jurisdiction the "adoptive

parents" reside to seek reports on the welfare and progress of the child from the respective "adoptive parents" on a quarterly basis starting from November, 2025 onwards. The Member Secretary of the State Legal Services Authority and/or the Member Secretary of the District Legal Services Committee will also be at liberty to depute a Child Welfare Expert to inspect the home where the child and the "adoptive parents" reside. This is to ensure the welfare and progress of the children who have been returned to the "adoptive parents".

15. We again clarify that we have passed the aforesaid order in the best interest of the children concerned in the instant case as they have been with their adoptive parents for a few months upto three years in these cases.

16. A copy of the said report may also be submitted to the jurisdictional Child Welfare Committee.

17. It is needless to observe that the aforesaid order has been passed not only in the best interest of the children concerned, but also by invoking Article 142 of the Constitution of India so as to do complete justice in the matter.

18. It is also needless to observe that this order would not come in the way of any other proceeding that has been initiated by the respondent(s)-authorities."

12. The Hon'ble Supreme Court relied upon Article 142 of the Constitution of India to do complete justice to the case. Article 142 of the Constitution of India reads as under :

"142. Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.—

(1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or

order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order³ prescribe.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself."

13. Considering that the power of the Hon'ble Supreme Court under Article 142 is exclusive and extraordinary, whether an order passed under Article 142 can be considered as a precedent for similar cases, particularly when the Hon'ble Apex Court has observed that this order would not come in the way of any other proceedings that has been initiated by the respondent authorities, the question that would arise for consideration. The Hon'ble Supreme Court in the case of **Supreme Court Bar Association Vs. Union of India and Another**, reported in 1998 (4) SCC 409, has observed thus:

"The plenary powers of this court under Article 142 of the Constitution are inherent in the court and are complementary to those powers which are specifically conferred on the court by various statutes though are not limited by those statutes. These powers also exist independent of the statutes with a view to do complete justice between the parties. These powers also exist independent of the statutes with a view to do complete

justice between the parties. These powers are of very wide amplitude and are in the nature of supplementary powers. This power, exists as a separate and independent basis of jurisdiction, apart from the statutes. It stands upon the foundation, and the basis for its exercise may be put on a different and perhaps even wider footing, to prevent injustice in the process of litigation and to do complete justice between the parties. This plenary jurisdiction is, thus, the residual source of power which this Court may draw upon as necessary whenever it is just and equitable to do so and in particular to ensure the observance of the due process of law, to do complete justice between the parties. This plenary jurisdiction is, thus, the residual source of power which this court may draw upon as necessary whenever it is just and equitable to do so and in particular to ensure the observance of the due process of law, to do complete justice between the parties, while administering justice according to law. There is no doubt that it is an indispensable adjunct to all other powers and is free from the restraint of jurisdiction and operates as a valuable weapon in the hands of the court to prevent "clogging or obstruction of the stream of justice". It, however, needs to be remembered that the powers conferred on the court by Article 142 being curative in nature cannot be construed as powers which authorise the court to ignore the substantive rights of a litigant while dealing with a cause pending before it. this power cannot be used to "supplant" substantive law applicable to the case or cause under consideration of the court. Article 142, even with the width of its amplitude, cannot be used to build a new edifice where none existed earlier, by ignoring express statutory provisions dealing with a subject and thereby to achieve something indirectly which cannot be achieved directly."

.....

"No enactment made by Central or State Legislature can limit or restrict the power of this Court under Article 142 of the constitution, the court must take into consideration the statutory provisions regulating the

matter in dispute. What would be the need of "complete justice" in a cause or matter would depend upon the facts and circumstances of each case and while exercising that power the court would take into consideration the express provisions of a substantive statute. Once this Court has taken seisin of a case, cause or matter, it has power to pass any order or issue direction as may be necessary to do complete justice in the matter. This has been the consistent view of this Court as would appear from the decisions of this court in State of U.P. Vs. Poost & Anr. (1976 (3) SCR 1005; Ganga Bishan & Ors. Vs. Jai Narain (1986 (1) SCC 75; Navnit R. Kamani & Ors. Vs. Jai Narain (1988 (4) SCC 387); B.N. Nagarajan & Ors. vs. State of Mysore & Ors. (1986 (3) SCR 682); Special Reference No. 1 of 1964, (supra), and Harbans Singh vs. State of U.P. Ors."

14. This Court finds that the Hon'ble Supreme Court initially in the case of **Dasari Anil Kumar** (*cited supra*), has invoked Article 142 of the Constitution of India and later in the case of **Gudla Jayachandra Reddy and Another Vs. The Child Welfare Project Director and Others**, in SLP (C) No. 57581 of 2025 has followed the above decision and passed orders invoking Article 142 of the Constitution of India. Therefore, by implication, the decision of the Hon'ble Apex Court in the case of **Dasari Anil Kumar** (*cited supra*), is applicable to the similar cases of batch only.

15. Therefore, this Court, following the judgment of the Hon'ble Supreme Court, directs the respondent authorities to release the infants in these cases also to the concerned adoptive

parents herein within a period of one (1) week from the date of receipt of a copy of this order subject to the same conditions as imposed by the Hon'ble Supreme Court. However, except for these cases which were considered and disposed as a batch of cases by the Single Judge as well as the Division Bench of this Court and the Hon'ble Supreme Court in its decision has also referred to the batch of these writ petitions and has directed the release of children in the respective appeals, these decisions shall not be considered as precedents for any other case.

16. With these directions, the writ petition is allowed.
There shall be no order as to costs.

17. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/-MOMINA MEHAR
ASSISTANT REGISTRAR
SECTION OFFICER

To,

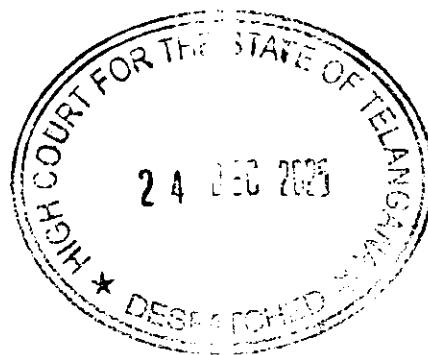
1. The Principal Secretary, Department of Women and Child Welfare Secretariat, Hyderabad.
2. The Chairperson, Child Welfare Committee, Alwal Medchal Malkajgiri District Telangana State - 500010.
3. The Director, Directorate of Women Development and Child Welfare Department, Yosufguda Main Road Madhura Nagar Yosufguda Hyderabad - 500045
4. The Station House Officer, Medipally Police Station, Medipally, M.M Dist - 501301.
5. Central Adoption Resource Agency, Ramakrishna Puram, New Delhi PIN - 110054
6. One CC to SRI C. RAKEE SRIDHARAN, Advocate [OPUC]
7. One CC to SRI KAVITHA YADAV, SC FOR CENTRAL GOVT [OPUC]
8. Two CCs to GP FOR WOMEN DEV & CHILD WELFARE , High Court for the State of Telangana at Hyderabad . [OUT]
9. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad . [OUT]

10. Two CD Copies

HIGH COURT

CC TODAY

DATED:23/12/2025



ORDER

WP.No.2076 of 2025

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

14
ASV
24/12/25