

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 18166 of 2015 (R)

PETITIONER(S) :

SISU BHAVAN, SISTERS OF NAZARETH
PADUPURAM PO, ERNAKULAM DISTRICT
PIN-683 582 REPRESENTED BY ITS CHIEF FUNCTIONARY
SR. JULIT

BY ADVS.SRI.C.S.DIAS
SRI.N.K.SUBRAMANIAN
SMT.MINI DIAS
SMT.B.BINDU

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM 695001

2. DEPARTMENT OF SOCIAL JUSTICE
SECRETARIAT
THIRUVANANTHAPURAM 695001 REPRESENTED
BY ITS PRINCIPAL SECRETARY

3. HIGH COURT OF KERALA,
REPRESENTED BY ITS REGISTRAR (SUBORDINATE JUDICIARY)
HIGH COURT OF KERALA
COCHIN-682031

R1 AND R2 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18166 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF LIST OF RIPAS AND SAAA FUNCTIONING IN THE STATE OF KERALA DOWNLOADED FROM THE WEBSITE OF CARA (WWW. ADOPTION INDIA.NIC.IN)

EXHIBIT P2: TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY CARA DATED 16.1.2012 IN FACVOUR OF PROSPECTIVE ADOPTIVE PARENTS, WHO ADOPTED A CHILD FROM THE PETITIONER

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 10.3.2015 SUBMITTED BY THE COUNSEL FOR THE PETITIONER BEFORE THE 3RD RESPONDENT

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P.(C).No. 18166 of 2015

Dated this the 13th August, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner and the learned Special Government Pleader.

2. This public interest litigation has been filed praying for the following reliefs:

- “i) declare that Family Courts in the State of Kerala have the inherent jurisdiction to entertain and decide on all adoption cases filed under Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000, as per Sub Rule (5) of Rule 40 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014;*
- ii) issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 and 2 to expeditiously consult the 3rd respondent*

and notify Specialized Adoption Courts in each District, if felt necessary;

iii) issue appropriate directions to the Family Courts in the State to dispose of all pending adoption cases filed under Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000, as per Sub Rule (5) of rule 40 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 without any notification or consultation under the said rule;"

3. The learned Special Government Pleader, after obtaining instructions, submitted that this Court has already recommended for issuing relevant notification by the State Government under sub-rule (5) of Rule 40 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014. It is also submitted by the learned Special Government Pleader that the Government has agreed in principle to issue notification and the matter is under consideration for issuance of notification, which is likely to be issued in this month.

In view of the aforesaid, we are of the view that no useful purpose will be served in keeping this Writ Petition pending. We observe that the notification as required may be issued as expeditiously as possible.

The Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs