

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18673 OF 2018

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in not permitting the petitioners for cancelling the legal adoption of girl child namely Manisha @ Sai Manisha and handover the said girl to the 6th respondent for their custody, as illegal and arbitrary and consequently direct the respondents to consider the representation of the petitioner dated 16.04.2018.

In the writ affidavit it is stated that petitioners took a girl child in adoption with the permission of the Court in OP.No.1127/2004 on the file of the III Additional Chief Judge, City Civil Court, Hyderabad under Section 9(4) (5) of the Hindu Adoption Act, 1956, by order dated 21.03.2005 with the following conditions.

“...that the 1st and 2nd petitioners shall treat the minor female child for all purposes as their biological child and shall not use her as servant or for any other commercial purposes;

2. That the minor child shall acquire the same status as natural born child of the 1st and 2nd petitioners including such rights of inheritance and succession in moveable and immoveable properties etc., irrespective of their personal law;

3. That the 1st and 2nd petitioners shall submit progress report about well-being of the minor child once in a year to this Court as well as to the

respondent herein, else, the 1st and 2nd petitioners are liable for legal recourse;

4. That the 1st and 2nd petitioners shall execute a bond in respect of conditions laid down supra in favour of the respondent and submit a copy of the same to this court;

5. The petitioners shall not take the child out of India without prior permission from the Court till the child attains majority.”

Now after a lapse of 18 years, petitioners sought for cancellation of the adoption and made a representation on 16.04.2018 to the respondents. But, the petitioners failed to point out any provision of law to show that the respondents have power to cancel such adoption. In the absence of the same, this Court cannot direct the respondents to cancel adoption.

Learned Assistant Government Pleader for Social Welfare also submits that there is no power conferred on the respondents to cancel such adoption.

In view of the above, no relief can be granted in the writ petition. Accordingly the writ petition is dismissed leaving it open to the petitioner to avail alternate remedy. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY, J

07.06.2018
t k.