

S.No.103

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.20483 of 2020 (O&M)

Date of Decision:01.12.2020

Gurmeet Singh Sodhi and others

.....Petitioners

Vs.

Union of India and others

.....Respondents

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jaspal Singh Pannu, Advocate for the petitioners.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Article 226/227 of the Constitution of India, for issuance of a writ in the nature of certiorari, for quashing the impugned letter dated 17.07.2019 issued by respondent No.6.

It is submitted by counsel for the petitioners that the approval for inter-country adoption has been withheld by the concerned authority on the ground that the petitioners were required to obtain an order qua adoption from District Court, Family Court or a City Civil Court, as per the requirement of the law. It is further submitted that although the order of the Court produced before the authority has been shown to have been passed by Juvenile Justice Board, however, the petitioners had applied only to the District Court. Therefore, if the designation of the Court passing the order is wrongly mentioned in the order; then the petitioners cannot be left to be adversely affected by such an order. Hence, the authority should have recognised the order passed by the Juvenile Justice Board as due compliance of the provisions of the Act.

Notice of motion.

At this stage, this Court deems it appropriate to serve notice upon the respondents No.1, 2, 5 and 6 only.

Ms. Shweta Nahata, Advocate assisting Mr. Satya Pal Jain, learned Additional Solicitor General of India, accepts notice on behalf of respondents No.1, 2, 5 and 6.

It is submitted by counsel for the respondents that the order is not passed by the designated Court. The order, in fact, has been passed by the Juvenile Justice Board, as is clear from the designations mentioned in the order, as well as, from the contents of the same. Therefore, the authority has rightly not accepted the said order for the statutory purposes. If the petitioners intended to get a decision from the statutory authorities on the basis of the Court order, then the order has to be from the same Court which is prescribed under the Act. The authorities would recognise any Court order, if the same is passed by the Court, as envisaged under the Act.

In view of this, learned counsel for the petitioners submits that he be permitted to withdraw the present petition with liberty to approach the concerned Court for getting the order modified; so as to be expressed to have been passed by the appropriate Family Court or a City Civil Court, or to get fresh order from the competent court, as is prescribed under the Act.

In view of the above, the present petition is dismissed as withdrawn with the liberty aforesaid.

December 01, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No