



WEB COPY



W.P.No.1909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.02.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.1909 of 2024

K.Karthik

.... Petitioner

Vs

1.The Social Welfare and district child protection officer,
Salem District Social Welfare Office,
Salem District Collectorate,
Salem District.

2. The District Collector,
Salem District Collectorate,
Salem District.

3. The Tamil Nadu State Commission for Protection of
Child Rights,
No.183/1, EVR Periyar Salai,
Poonamalli High Road, Dasspuram,
Kilpauk, Chennai – 600 010.

4. Manjula Kumar

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus and call for the record pertaining to the proceeding order in Ka.No.631/Ma.ku.paa/2023 dated 12.12.2023 issued by the first respondent and quash the same as illegal,



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arbitrary and unconstitutional and directing the first respondent to hand over Minor daughter Dharani is aged about 18 months old baby to the petitioner hand.

For Petitioner : Mr.M.Murugesan

For Respondents : Mr.M.R.Gokul Krishnan

Additional Government Pleader – R1 to R3

ORDER

The petitioner has sought a writ of certiorarified mandamus calling for and quashing proceedings dated 12.12.2023 issued by the Social Welfare and District Child Protection Officer, Salem/R1. The petitioner had approached this Court earlier in W.P.No.33211 of 2023 seeking a mandamus directing R1 to hand over minor daughter Dharani (in short 'child') at that time, aged 18 months to him.

2. That Writ Petition came to be disposed on 27.11.2023. Inter alia, I have recorded there the claim of the petitioner that the child, then in the custody of R1, was born to R4 and one Annadurai, and that he had adopted the child with their consent.

3. Since the matter was too ridden with facts, it was neither impossible nor appropriate to take a decision in writ jurisdiction, I had hence directed R1 to hear the petitioner as well as R4, after issuing notice to them and thereafter



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dispose the representation that had been made by the petitioner seeking the same prayer as in that Writ Petition.

4. It is pursuant to the same that the impugned order has come to be passed on 12.12.2023 wherein the petitioner's claim has been negated. Aggrieved by that order, the petitioner is now before the Court.

5. Mr.Gokul Krishnan, learned Additional Government Pleader appearing for R1 and R2, the latter being District Collector, Salem has filed a status report on behalf of R1. The facts contained therein are that the child was born on 03.06.2021 to Manjula and Annadurai, the biological parents, who had surrendered the child by way of surrender application filed by the couple jointly on 25.11.2022 to the Child Welfare Committee. A Deed of Surrender was executed on the same day.

6. The Child Welfare Committee had issued a temporary custody order handing the child over to Bethel Specialized Adoption Agency in Danishpet, Salem on 25.11.2022 for care and protection. The child had not been claimed by the biological parents and was thus free for adoption. The Adoption Agency had applied to the Child Welfare Committee, Salem for obtaining a certificate, which was issued on 07.02.2023.

7. An application was thereafter filed before the District Collector, Salem (District Magistrate) through the District Child Protection Unit along with



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requisite documents for scrutiny and prospective adoption. The Committee had scrutinised the documents as per Regulation 10(4) of the Adoption Regulations and after scrutiny on 23.02.2023, had found the prospective adoptive parents suitable to adopt the child. An adoption order was passed as per Schedule XXXIII (Regulation 36(2)) and the child has been handed over to the adoptive parents.

8. A compilation had been filed along with the status report with documents to support the aforesaid narration, particularly the position that the child is now with the adoptive family.

9. The compilation filed along with the status report has been handed over to Mr.M.R.Gokul Krishnan, learned Additional Government Pleader in order to maintain confidentiality as per the prevailing Regulations.

10. In light of the factual position as set out above to which learned counsel for the petitioner has no response, there is no merit in this Writ Petition and the same is dismissed. No costs.

07.02.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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Dr.ANITA SUMANTH,J.

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To

- 1.The Social Welfare and district child protection officer,
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