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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 229/2025**

KIRAN AND ANR

.....Petitioners

Through: Mr. Chiranjeev Chauhan, Ms. Alina &
Ms. Kanishka, Advs.
Ms. Arundhati Katju, Sr. Adv.
(Amicus Curiae) with Ms. Ritika
Meena, Adv.

versus

**KAISAR PARVEEN OFFICIATING CHAIRPERSON CHILD
WELFARE COMMITTEE**

.....Respondent

Through: Mr. Rakesh Kumar, CGSC with Mr.
Sunil, Adv. for UOI/CARA.
Mr. Sameer Vashisht, Standing
Counsel for GNCTD with Ms.
Harshita Nathrani, Adv. for R-1.

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER
19.08.2025**

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 12 read with Section 2 (b) of the contempt of Courts Act, 1971 seeks the following prayers:-

“(a) initiate appropriate contempt proceedings against the respondent/contemnor for its willful, intentional and deliberate disobedience to the directions of this Hon’ ble Court dated 16.10.2024



passed in W.P.(Crl) No.1450/ 2024 titled as “ Kiran & Anr. Vs. State Govt. of Net of Delhi & Ors.” and she may be punished for contempt of court, in the interest of justice.

(b) Direct the respondent or any authority having custody of the child to release/ handover the custody of the infant to the petitioners in order to prevent the miscarriage of Justice.

(c) pass any other order (s) or relief(s) which this Hon ’ ble Court may deems fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner and against the contemnor / respondent.”

3. Vide order dated 16.10.2024 in W.P.(CRL.) 1450/2024, the coordinate bench of this court passed the following order:-

“13. In *Bhubaneswar Development Authority v. Adikanda Biswal*, (2012) 11 SCC 731, it was held by the Hon“ble Supreme Court that while exercising powers under Article 226 of the Constitution of India, it is trite law that the power of judicial review is not directed against the decision but is confined to the decision-making process. It was also observed by the Hon“ble Court that the process of judicial review is not an appeal from a decision, rather the same is merely a review of the process via which the decision has been made.

14. In view of the above, it is observed that as per the settled position of law, the High Court confines itself to the question of legality and is only concerned with the issue of whether the decision-making authority exceeded its power, committed an error of law, committed a breach of the rules of natural justice, reached an unreasonable decision or abused its powers with respect to the said adoption.

15. As per the status report on record, it is prima facie established that the centre being run by one Ms. Ashmeet Kaur is illegal and the adoption being done by the petitioner couple was not as per the legal mandate, however, this Court is of the view that the petitioner couple did not have any knowledge about the said illegality and therefore, they are not to be blamed for the wrongful adoption.

16. Furthermore, it has been duly admitted by the learned ASC as well as the Officiating Chairperson of the aforesaid committee that the petitioner couple may have developed the love and affection with the child who was adopted by them when she was only 21 days old. During the course of proceedings, it has also been submitted by the Officiating Chairperson of the aforesaid committee that the petitioner couple may



be given the priority to adopt the child as they were oblivious to the fact that the said adoption centre was being run illegally and that the child has been living with them for the past 3.5 months.

17. This Court has witnessed the plight of the petitioner couple present in the Court and is of the view that the petitioner couple has indeed developed love and affection for the adopted child. Further, the Officiating Chairperson of the aforesaid committee has not refuted to the fact that the petitioner couple were oblivious to the fact that the said adoption centre was being run illegally.

18. Therefore, taking into consideration the aforesaid submissions made by the learned counsel appearing on behalf of the petitioner, the contention that the learned ASC and the Officiating Chairperson of the aforesaid committee have conceded to the fact that the petitioner couple may have developed the love and affection with the child, this Court is of the considered view that this is a fit case to exercise the powers under Article 226 of the Constitution.

19. Thus, in the interest of the child as well as the petitioner couple, on humanitarian grounds, this Court deems it appropriate to direct the concerned authorities to give first priority to the petitioner couple for adoption of the child in question.

20. In view thereof, the Officiating Chairperson of Child Welfare Committee, Hope Foundation, Matri Chaya (State Adoption Agency) is directed to take initiation for completion of the process for adoption of the said child to the petitioner couple expeditiously, preferably within a period of two weeks.”

4. During the pendency of the present petition, vide order dated 22.04.2025, the learned predecessor bench passed the following order:-

“1. Pursuant to various opportunities granted to counsel for the Central Adoption Resource Authority (‘CARA’) to respond and apprise this Court of their stand regarding the adoption of the child, as directed by order dated 16th October 2024 in W.P.(CRL) 1450/2024, Mr. Sushil Raja, Counsel for UOI has appeared in Court and has handed over a short affidavit filed on behalf of CARA on 15th April 2025. The said affidavit is not on record.

2. However, the Court has perused the said affidavit, as also queried and discussed the matter with the officials of CARA inter alia Ms. P. Chandni, Senior Professional, who is present in Court, along with her



colleagues.

3. It transpires that pursuant to order dated 14th February 2025 passed in the Contempt Proceedings, CARA has also given instructions to the counsel to file an application in the Writ Court seeking directions.

4. In this regard, para 5 of the said order dated 14th February 2025 is extracted as under:

5. Mr. Raja, Counsel for UOI states that the said application has been filed and considering the time, which has elapsed in crystalizing the instructions, he shall take expeditious steps to ensure that the miscellaneous application is listed before the Writ Court.

6. In essence, what has been stated by Ms. Praveen, Officiating Chairperson of the Child Welfare Committee, who is also present in Court, is that they have declared the child 'legally free for adoption' and they have no further role in this regard.

7. Accordingly, as per them, they have complied with the orders of this Court. The process is now under the jurisdiction of CARA.

8. Submissions on behalf of CARA are firstly, that the child was an Orphan, Abandoned, Surrendered ('OAS') child and, therefore, is under the purview of Juvenile Justice (Care and Protection of Children) Act, 2015 ('JJ Act'); secondly, the child is safe and secure in the Specialized Adoption Agency ('SAA'); thirdly, the child is now 1 year 4 months of age; fourthly, that the verification of the petitioners, as per the process under the Adoption Regulations, 2022, promulgated under the Juvenile Justice (Care & Protection of Children) Model Rules, 2022 have been complied with and the petitioners are registered Prospective Adoptive Parents ('PAPs') and are eligible to adopt; fifthly, there are previously registered PAPs and, therefore, the petitioners are lower down in the queue for the purposes of adoption; sixthly, the child in question cannot be preferentially reserved for the petitioners, considering the orders of this Court in *Michelle Camilleri & Anr. v Central Adoption Resource Authority (CARA)* and Anr. 2022 SCC OnLine Del 4091, which was subsequently approved by the Supreme Court in order dated 03rd March 2023 in SLP (C) No. 717/2023.

9. A copy of the same has been appended along with the short affidavit.

10. Counsel for the petitioner, along with the petitioners who appear in person, however, relies upon the Coordinate Bench of this Court in *JS & Anr. v. Central Adoption Resource Authority & Anr.* 2021 SCC OnLine Del 3804 decision dated on 26th July 2021, where in certain circumstances, the Court had directed the adoption of the child to the petitioners.



11. These aspects shall be considered on the next date of hearing.
12. Ms. Arundhati Katju, Senior Advocate is appointed as Amicus Curiae in the matter, to assist the Court in this regard.
13. Copies of the paper-book as well as copies of the affidavit filed by CARA and submissions by the petitioner will be given to the Amicus Curiae.
14. List on 02nd May 2025 in the category of “Supplementary List”.
15. Order be uploaded on the website of this Court.”

5. Thereafter it transpires that an application was filed on behalf of Central Adoption Resource Authority **CRL.M.A. 14061/2025** before the writ court which was dismissed by the writ court vide order dated 06.05.2025 in the following manner:-

- “1. This application has been filed on behalf of CARA (Central Adoption Resource Authority) in an effort to completely bypass the order dated 16.10.2024 of the predecessor bench, which order was not unsettled even in the course of contempt proceedings. None of the parties even challenged the order dated 16.10.2024.
2. It appears that the applicant’s pleadings on the concept of adoption of an abandoned, orphaned and surrendered child are not correct. Adoption is not a matter of right of a Prospective Adoptive Parent (PAP) to adopt a child. It is a right of every child to have a family.
3. In the present case, it appears that despite order dated 16.10.2024 of the predecessor bench, till date the adopted child remains away from custody of his adoptive parents. It is informed by learned ASC that biological parents of the child in question are not traceable. The government agencies involved need to be sensitive that the first trauma suffered by the child was when he was separated from his biological parents and unfortunately, the trauma was compounded when the child was separated from even the adoptive parents, after the child had got attached to them.
4. I find no reason to interfere in order dated 16.10.2024 of the predecessor bench. The application is completely frivolous, so dismissed.
5. The concerned authorities are warned to ensure compliance with order dated 16.10.2024 keeping in mind the rights of the child involved in the case.”



6. Thereafter the matter was referred to SAA for pre-adoption counselling session which in terms of this Court's order was held on 13.08.2025 at 11:00 A.M. It was pointed out that the procedure was that the counselling report shall go to the adoption committee, which for this purpose was constituted on 13.08.2025. It was also observed that after the meeting of the Adoption Committee, the parents have to move an application before the SAA for pre-adoption foster care. The Agencies were requested to expedite the process.

7. Today, a letter dated 18.08.2025 on behalf of Sewa Bharti Matrichhaya (SAA), accompanied by minutes of the meeting of the adoption Committee held at Sewa Bharti Matrichhaya B-2/2, Mianwali Nagar, New Delhi-110087 has been handed up in Court and the same is taken on record. As per the aforesaid letter, the decision of the Adoption Committee is as under:-

“After detailed discussion and verification of documents as per the Adoption Regulation, 2022 and CARA Guidelines, the Adoption Committee decided that child 'K' (Registration No. SAA/DL/16- 0451) may be placed in Pre-Adoption Foster Care with PAPs Mr. Amit Kumar Dhiman and Ms. Kiran (Registration No. PrHR251324300303), as per the order dated August 12, 2025, of the Hon'ble High Court, and in consideration of the CARA Letter mentioned in Point No. 3.”

8. It is pointed out that the final approval is given by the District Magistrate under Section 61 of the Juvenile Justice (Care And Protection Of Children) ACT, 2015.

9. Learned counsel appearing on behalf of the petitioners through video conferencing submits that the child has been handed over to the parents and they do not wish to press this petition any further.

10. Accordingly, the present petition is disposed of as not pressed.



11. This Court appreciates the sincere efforts made by the Learned counsel for the Respondents in expediting the process and handing over the child to the parents. Court also records its appreciation for the assistance given by Learned Amicus.

AMIT SHARMA, J

AUGUST 19, 2025/nk/yg