

W.P.(MD)No.14982 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.14982 of 2026

Priya

.. Petitioner

- Vs. -

1.The District Collector,
Madurai.

2.The District Collector,
Sivagangai.

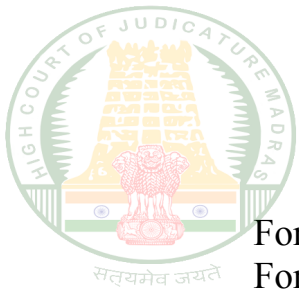
3.The Chairman,
Child Welfare Committee,
21-22 Kennet Nagar,
Muthupatti,
Madurai-625 003.

4.Grace Kennett Foundation,
Kennet Road,
Madurai-625 010.

5.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to pass orders on the representation dated 17.05.2026.



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For Petitioner
For Respondents

: Mr.J.Anandkumar
: Mr.R.Parthiban
Government Standing Counsel

ORDER

The Writ Petition is filed, directing the respondents to consider the petitioner's representation dated 17.05.2026.

2. Heard Mr. J. Anandkumar, learned counsel appearing on behalf of the petitioner, and Mr. R. Parthiban, learned Government Standing Counsel appearing on behalf of the respondents.

3. The grievance of the petitioner is that, at the age of two, the petitioner came to be in the care of the fourth respondent agency, namely, Grace Kennett Foundation, and lived there until the age of 12. In the year 2013, the petitioner's mother, namely, Theresammal, wife of the late G.J.Eugenekumar, expressed interest in adopting the petitioner. Both the child and the adoptive parent are Indians. Thereafter, upon receipt of the application, the third respondent conducted an enquiry and, being *prima facie* satisfied with the request, passed an order on 05.09.2013, permitting foster care for a period of three years. Upon the said order, the petitioner's custody was entrusted to the said adoptive mother.

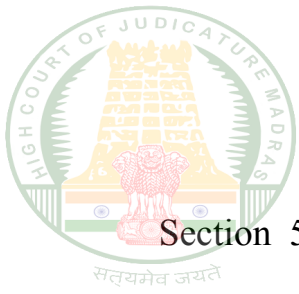


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3.1. A home study was conducted during the period of foster care, and subsequently, yet another order was passed permitting the custody of the petitioner under the adoptive mother till the attainment of majority. Accordingly, the petitioner was under the care of the adoptive mother, and finally, the matter was placed before the third respondent, and an order dated 12.03.2020 was passed. The order states that, upon enquiry, it was confirmed that the adoptive mother intended to take the child on adoption and that the Child Welfare Officer had submitted a favourable report. It was further found on enquiry that the adoption was wholehearted, that the child was comfortable with the adoptive parent, and that the child had also expressed her desire before the Committee. The Committee wholeheartedly permitted and recommended the adoption, stated its no objection, and directed the petitioner and the adoptive parent to approach the Court and get the final order of adoption.

3.2. It is to be noted that, as of the year 2020, it was the adoptive parents who had to approach the Court for an order of adoption. The subject of adoption is addressed in Chapter VIII of the Juvenile Justice (Care and Protection of Children) Act, 2015. As per Section 56, the entitlement for the agencies to give an adoption with reference to the orphaned, abandoned and surrendered children is made. The eligibility of prospective adoptive parents is set out in



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Section 57. Section 58 prescribes the procedure for adoption by the Indian prospective adoptive parents. The procedure requires such parents to apply to the Specialised Adoption Agency, which was done in the present case. Upon such an application being made under sub-Section (2), a home study report has to be prepared, which was also done in the instant case. Finally, under sub-Section (3), the agency, after considering the child study report and medical report, has to place the child in pre-adoption foster care, and thereafter an application has to be made before the Court concerned.

3.3. Thus, by following the procedure prevalent as of the year 2020, the third respondent passed the order dated 12.03.2020, being satisfied about the adoption and directing the parties to approach the concerned Court. However, it is submitted that, immediately due to the COVID-19 situation, no application could be made because of the lockdown. In the meantime, Section 58 was amended by Act 3 of 2021 with effect from 01.09.2022, whereby the word “Court” was replaced with the words before the “District Magistrate”, and the new Adoption Regulations, 2022 also came into effect.

3.4. As per the new Adoption Regulations, the role of the State Adoption Resource Agency is defined under Regulation 35, and the functions of the District Magistrate are contained in Regulation 36. As per Regulation 36, the



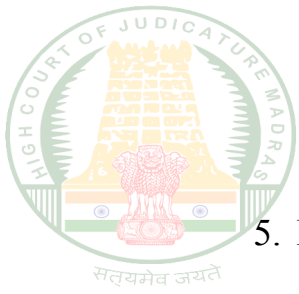
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District Magistrate is entrusted with the duty to receive an application from the

Specialized Adoption Agency and pass the consequential adoption order. In this case, since the proceedings were over before the regulations came into force, there was no occasion for the District Collector to receive an application from the State agency and pass an order. Neither could the agency have forwarded the application in 2020, because at that time it was for the parties to approach the Court. The parties could not approach the Court in view of the peculiar circumstances arising from the COVID-19 pandemic and the lockdown.

3.5. The petitioner is in the care of the adoptive mother and is being given appropriate education. The petitioner has also turned major, completed her undergraduate studies, married Maria Michael Leo, and now has to relocate to Singapore, where her husband lives. In that regard, when the petitioner applied to update her adoptive parent's name in the records before the Registration of Births and Deaths Authority and the Passport Authority, the lack of a final order of adoption was noted. Therefore, the petitioner made a representation, but it was not considered, and the petitioner is before this Court.

4. The learned counsel for the petitioner would reiterate the aforementioned anomalous situation and request that the District Collector be directed to pass the order.



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5. Per contra, the learned Government Standing Counsel would submit that the Collector cannot consider the representation independently and pass an order. After the Adoption Regulations, 2022, came into force, and subsequently, the Regulations were updated in 2024, the entire process has been made available through a single-window online system. The petitioner has to apply through the single-window system under the CARA. If only the application is processed through CARA and further comes to the relevant duties of the District Collector, the District Collector can perform the same, and the final certificate can be uploaded in the portal. Therefore, in the absence of the same, the District Collector is not in a position to consider the representation of the petitioner and grant the adoption order.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. The special and peculiar facts of this case have been noted *supra*. The State agency, namely, the Chairman, Child Welfare Committee, Madurai, duly passed the order in accordance with the procedure mandated under Section 58 of the Juvenile Justice (Care and Protection of Children) Act, 2015. At the relevant point of time, it is pleaded that the lockdown was in force, and



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therefore the petitioner was not in a position to approach the Court and immediately obtain an order of adoption. Had the petitioner been in a position to approach the Court, there would have been no problem whatsoever. Now, the objections are only two-fold. Firstly, the petitioner has crossed the age of 18 and can no longer be treated as a juvenile. Secondly, the application should be made only through the single-window system. This Court has already held, with reference to births and deaths, that if a subsequent authority comes into existence by way of an amendment to the Regulations or through subsequent Regulations, such authority can continue the process or consider the applications made under the erstwhile Regulations also.

8. Since Section 58 has been amended, the Court cannot entertain an application, and it is only the District Collector who has to consider it. Even though the District Collector is right in not suo motu taking up the representation of the petitioner, as he is now required to act only in accordance with the present Regulations, namely, through the single-window method, considering the peculiar facts of this case, wherein a final order of satisfaction had been passed by the Child Welfare Committee as early as in the year 2020, and considering that the petitioner is facing practical difficulties in obtaining a birth certificate, passport and other documents, the matter can be treated as peculiar and special case.



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9. Accordingly, the Collector shall conduct an enquiry into the representation dated 17.05.2026 from the petitioner's mother. Due notice shall be issued to the petitioner. The petitioner and the adoptive mother shall appear before the Collector, and all originals, including the order of the Child Welfare Committee, shall be placed before the Committee. After considering the same, an order in physical form with reference to the adoption shall be passed under Section 58 of the Juvenile Justice [Care and Protection of Children] Act, 2015. The aforesaid exercise shall be completed within two months from the date of receipt of a web copy of the order.

10. With the above observations and directions, this Writ Petition is disposed of. No costs.

05.06.2026

NCC : Yes
sjj

To

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Madurai.

2.The District Collector,
Sivagangai.

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