

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

W.P.NO. 20162 OF 2025

DATED 28.01.2026

Between

Muthineni Venakanna.

... Petitioner

AND

The State of Telangana, represented by its
Principal Secretary, Women and Child Welfare
Department, Secretariat, Hyderabad and Eight others.

... Respondents

ORDER:

In this writ petition, the petitioner is challenging the action of the respondents No.3 to 6 in detaining the custody of his adopted child by name Muthenine Sharanya, aged about two years, in the Child Protection Center and not handing over her custody to the petitioner, as illegal and arbitrary and consequently, to direct the respondents No.4 to 7 to handover the petitioner's adopted daughter for care and protection and to pass such other order or orders in the interest of justice.

2. Brief facts leading to the filing of the present writ petition are that the petitioner got married to one

Sravanthi in the year 2014, but they did not have any children out of their wedlock in spite of severe efforts. Therefore, the petitioner and his wife have approached the District Collector, Nalgonda, for adoption of an orphan girl, but the same has been pending for several years. In the meantime, the petitioner and his wife came to know through some persons that one Nakka Yadagiri has a girl child in his custody and that he is intending to give the said child to the needy people for adoption. Therefore, the petitioner and his wife approached him and the said person has given the one month old girl child in adoption to them and the petitioner and his wife have adopted the girl child in the month of May, 2023, by conducting Datha Homum and have been taking care of the child ever since with lot of love and affection and have named the child as Sharanya. It is stated that they have performed the cradle ceremony grandly and have been taking care of the child with love and affection and have been providing for the welfare of the child. It is stated that the child was very weak at the time of adoption, but with due care and

protection provided by the petitioner and his wife, she has gained her health. It is stated that her first birthday ceremony was also celebrated grandly on 13.06.2024 in the presence of all the relatives and submitted that this demonstrates that proper care and affection is being provided to her. It is stated that on the complaint of some persons that children are being sold, the respondent No.9 has registered a case in Crime No.173/2025 for the offences under Section 143(4), 143(5) r/w 3(5) of BNS Act, Section 80 of Juvenile Justice Act-2015, Sections 81, 87 of JJ Act-2015, Section 88 of JJ Act, against the Nakka Yadagiri and others. It is submitted that respondent No.9 came to the petitioner's house on 18.06.2025 and has forcibly taken the child from their custody and detained the child at the Child Welfare Committee i.e., Sri Shishu Sankshema Shakha at Nalgonda Town, Nalgonda, without giving any notice and without following due process of law. Thereafter, the names of the petitioner and his wife have also been included in the FIR as Accused Nos.18 and 19. It is stated that the petitioner and his wife have made several

efforts to take custody of the child from the respondents No.5 to 8, as she was only two years old and has been suffering with huge mental agony and depression due to the lack of parents, but all their efforts have failed and therefore, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner has reiterated the submissions made in the writ affidavit and submitted that the petitioner and his wife have developed lot of love and affection for the child having taken very good care of the child since she was a month old and therefore, the child should be given in adoption to the petitioner and his wife as they were also economically sound position to take care of the child. He has drawn the attention of this Court to the photographs filed along with the writ petition to demonstrate that the child was taken good care of. He also submitted that after filing of the writ petition, on the advice of the counsel, the petitioner and his wife have also submitted an application before the Central Adoption Resource Authority (CARA), but there is a long queue for adoption and the petitioner and his wife are interested to

adopt the child Sharanya only. He also submitted that in similar circumstances, the Hon'ble Supreme Court in the case of **Dasari Anil Kumar and Another Vs. The Child Welfare Project Director and Others**, reported in Special Leave to Appeal (C) No.6322 of 2025 has directed to release the child in favour of the adopted parents and he sought similar relief in this case as well.

4. Learned Government Pleader for Women Development and Child Welfare, appearing for the respondent No.6, has filed a counter affidavit stating that a person by name Nakka Yadagiri was involved in child trafficking racket and that he was involved in sale of several children. She submitted that the FIR No.173/2025 reveals that he had sold one boy child for Rs.6 lakhs to one Korivi Anjaiah, S/o.Lingaiah, who had adopted him; and similarly another child was also sold for Rs.6 lakhs through Nakka Yadagiri from Vijayawada to one Gundeboina Nagaiah @ Bangaru Nagaiah, S/o.Bixam. Therefore, according to her, the said persons are acquainted with the child trafficking gang and were giving

illegal adoptions to the required persons. She has also drawn the attention of this Court to the FIR in Crime No.173/2025, whereunder the said Nakka Yadagiri and his wife were shown as Accused Nos.1 and 2 and the petitioner herein and his wife were shown as Accused Nos.18 and 19. She submitted that the Government of India has established a procedure for adoption of children in case of issueless persons through CARA and therefore, the petitioner, having applied through CARA, have to wait for their turn for adoption of a child. She submitted that since child trafficking is involved in this case, the child has been taken away from the custody of the petitioner and his wife and she is presently being well looked after by the Government in the Shishugruha at Nalgonda. It is stated that the child is in good health and will be given in adoption only as per the CARA guidelines. As regards the Hon'ble Supreme Court direction in the case of **Dasari Anil Kumar and Another** (*cited supra*), to hand over the child to the adopted parents in the said case, the learned Government Pleader submitted that the said order cannot

be treated as a precedent, as per the Hon'ble Supreme Court's observation in the said case itself that the Hon'ble Supreme Court has passed the said order under Article 142 of the Constitution of India and therefore, the same cannot be made applicable to all cases of illegal adoptions like the case the case on hand.

5. Having regard to the rival contentions and the material on record, this Court finds that the child Sharanya has not been taken in adoption from her natural parents but has been procured through one Nakka Yadagiri for a consideration. Section of 81 of the Juvenile Justice Act prohibits sale and procurement of children for any purpose. For the purpose of ready reference the provision is reproduced hereunder:

Any person who sells or buys a child for any purpose shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that where such offence is committed by a person having actual charge of the child, including employees of a hospital or nursing home or maternity home, the term of

imprisonment shall not be less than three years and may extend up to seven years.

6. In this case, admittedly, the child is not adopted from the natural parents and one Nakka Yadagiri is the person involved in giving the child in adoption to the petitioner and a crime has also been registered against him as well as the petitioner and his wife. This is not a one incident where he is involved and therefore, it appears to be a clear case of child trafficking. The case is under investigation. In the meantime, as adoption of the child by the petitioner and his wife is not legal and is not in accordance with CARA guidelines, the same cannot be approved by this Court. The child trafficking is a serious issue in India and therefore, the Government of India has framed the guidelines known as CARA guidelines for adoption of abandoned and orphaned children. In this case, it appears that the petitioner and his wife have taken good care of the child, but the procedure adopted by them for taking a child in adoption cannot be appreciated or approved. The petitioner and his wife have, however, made an application to CARA for adoption and they have to wait

for their turn to get a child in adoption. On the ground that a bond has already developed between the child and the petitioner herein and his wife, the respondents cannot be directed to refer the matter to CARA to be taken out of turn and consider the case of the baby child Sharanya for adoption to the petitioner and his wife. That would amount to and would lead to a prescription for illegal adoptions. It would also encourage child trafficking in the country. The directions of the Hon'ble Supreme Court in the case of **Dasari Anil Kumar and Another** (*cited supra*), is under Article 142 of the Constitution of India. The Article 142 of the Constitution of India reads as under:

Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc:

(1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision

in that behalf is so made, in such manner as the President may by order prescribe.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.

Further, the Hon'ble Supreme Court has also observed that the above decision shall not be treated as a precedent for any other case.

7. In view thereof, this Court is not inclined to grant any relief to the petitioner.

8. With these observations, the writ petition is dismissed. There shall be no order as to costs.

9. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

JUSTICE T.MADHAVI DEVI

Date: 28.01.2026

bak

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

W.P.NO. 20162 OF 2025

Dated: 28.01.2026

bak