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Adoption Outside the Law: Why the Hon’ble Telangana High Court Refused Custody Restoration

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Introduction

Adoption law in India operates as a pathway to parenthood and as a statutory barrier against child trafficking and informal custody arrangements. The Hon'ble Telangana High Court, in the case of Muthineni Venakanna v State of Telangana[1] was confronted with a legally delicate situation where emotional bonding between a couple and a child stood in direct tension with the statutory framework governing adoption. The case required the Court to determine whether prolonged care, affection, and welfare considerations could justify restoration of custody when the child had been obtained through an illegal adoption mechanism. In declining relief, the Court reaffirmed that adoption under the Juvenile Justice regime and CARA guidelines is a strictly regulated legal process designed as much to prevent exploitation of children as to enable lawful parenthood. The judgment therefore highlights the limits of equitable jurisdiction when weighed against the systemic objective of preventing child trafficking and preserving the integrity of statutory adoption procedures.

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Factual Matrix

The petitioner and his wife, married since 2014 and childless, had approached district authorities for adoption but faced prolonged delay. During this period, they came into contact with one Nakka Yadagiri, who allegedly handed over a one month old girl child to them in May 2023. The petitioner claimed that the adoption was solemnized through a *Datha Homam* ceremony and that the child, named Sharanya, was raised with affection, care, and financial stability. Photographs and evidence of celebrations, including her birthday, were placed on record to demonstrate nurturing care.

However, in June 2025, the police registered FIR No.173/2025 alleging a child trafficking racket involving Yadagiri. It was alleged that multiple children were sold for large sums of money. The petitioner and his wife were arrayed as Accused Nos.18 and 19. The child was taken from their custody and placed in a Child Protection Center under the supervision of the Child Welfare Committee. The petitioner contended that the removal of the child without notice was arbitrary and that the child, having lived with them since infancy, would suffer severe psychological trauma if separated permanently.

Issues

1. Whether custody of a child taken through a non-statutory adoption process can be restored based on emotional bonding and welfare considerations.
2. Whether the High Court can direct authorities to regularize such adoption or refer the matter to CARA for out-of-turn consideration.
3. Whether reliance could be placed on a Supreme Court order granting custody in similar circumstances.
4. Whether judicial intervention in such cases would undermine statutory safeguards against child trafficking.

Parties' Submissions

The petitioner argued that the child had been in their custody since infancy and had developed deep emotional attachment. He emphasized their financial stability and ability to provide care. It was submitted that an application had now been made through CARA, but the couple wished to adopt this particular child rather than wait in the general queue. Reliance was placed on a Supreme Court order in Dasari Anil Kumar v. Child Welfare Project Director[2], where custody had been granted to adoptive parents under comparable circumstances.

The State contended that the case was part of a wider child trafficking network. It was argued that multiple children had been sold through the same intermediary for money. The inclusion of the petitioner as an accused indicated involvement in an illegal transaction. The State emphasized that adoption must strictly follow the statutory route through CARA and that the Supreme Court's order cited by the petitioner was rendered under Article 142 and expressly declared non-precedential.

Court's Analysis

The Court's reasoning proceeds from the primacy of statutory safeguards. It noted that the child was not adopted from her natural parents but procured through an intermediary allegedly engaged in trafficking. The Court referred to Section 81 of the Juvenile Justice Act, which criminalizes the sale and purchase of children for any purpose, and treated this provision as central to the dispute. While acknowledging that the petitioner may have cared for the child with affection, the Court held that the method by which custody was obtained was fundamentally illegal. The Court was cautious not to create a situation where post-facto care and emotional bonding could be used as a tool to legitimize illegal procurement of children. It emphasized that such judicial indulgence would effectively encourage trafficking networks, as individuals could bypass legal adoption procedures and later seek judicial validation.

The Court adopted a broader understanding of "welfare of the child." It held that welfare cannot be reduced to emotional continuity alone when the origin of custody itself undermines the legal framework designed to protect children from exploitation. Welfare, in this context, also includes ensuring that adoption takes place through transparent and legally supervised mechanisms. With respect to the Supreme Court's decision relied upon by the petitioner, the Court noted that it was passed under Article 142 of the Constitution to do complete justice in that particular case and was expressly stated not to be a precedent. Therefore, it could not be relied upon by High Courts to dilute statutory requirements.

The Court also rejected the suggestion that CARA be directed to consider the petitioner's case out of turn. It reasoned that such directions would set a dangerous precedent by incentivizing illegal adoptions followed by pleas of emotional attachment.

Decision and Holdings

The writ petition was dismissed. The Court held that the adoption was not in accordance with CARA guidelines or statutory procedure. Emotional bonding, however genuine, could not legitimize an illegal adoption. The High Court could not direct out-of-turn adoption or custody in such circumstances. The Supreme Court's Article 142 order could not be treated as binding or persuasive precedent. Granting relief would indirectly promote child trafficking and undermine statutory safeguards. The child was to remain under institutional care pending lawful adoption procedures.

Significance

This judgment is a firm judicial statement that adoption law in India functions as an anti-trafficking framework and not merely as a procedural pathway for prospective parents. The Court consciously resisted the humanitarian impulse to restore custody, recognizing that such relief would weaken systemic deterrence against illegal child procurement.

The decision clarifies that the welfare principle in child custody matters must operate within statutory boundaries. It reinforces that High Courts exercising writ jurisdiction cannot override legislatively prescribed adoption procedures on equitable grounds. It also draws a clear distinction between the extraordinary powers of the Supreme Court under Article 142 and the limited jurisdiction of High Courts under Article 226.

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1. W.P. No. 20162 of 2025 ??
2. Special Leave to Appeal (C) No.6322 of 2025 ??

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