



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE D K SINGH

WRIT PETITION NO. 18481 OF 2021 (GM-RES)

BETWEEN:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...PETITIONERS

(BY SRI. DALWAI VENKATESH., ADVOCATE)

AND:

1. CHILD WELFARE COMMITTEE
REPRESENTED BY ITS CHAIRMAN
OFFICE OF SUPERINTENDENT
GOVERNMENT BOYS BALAMANDIR
100 FT ROAD ALKOLA
SHIVAMOGGA

...RESPONDENT

(BY SRI. M.N.SUDEV HEGDE., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASHING OF THE
PROCEEDINGS INITIATED BY THE RESPONDENT UNDER THE





PROCEEDINGS VIDE ANNEXURE-F BY THE RESPONDENT IN THE BEST INTEREST OF JUSTICE AND EQUITY, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH

ORAL ORDER

The petitioners are married couple aged around 51 and 54 years of age. According to the petitioners, they are devotees of Sri Gavisiddeshwara Swami Mutt. On 10.06.2016, when they visited the Mutt, three days old born child was found in the Mutt abandoned by the mother. On advice of the Swamiji of the Mutt, the child was taken in care and custody by the petitioners. The petitioners took the child with them to Shivamogga and named him as [REDACTED] and they have been given to the child all love, affection and care as their own child. They had also admitted the child to pre-school at Open Minds World School at Shivamogga. When the child was being taken care of by the petitioners who was given to them by the Mutt, the Child Welfare Committee (CWC), issued notice on 20.07.2017, summoning the first petitioner to appear before



the committee regarding the legality or otherwise of the custody of the child.

2. The petitioners appeared before the committee as directed. Thereafter, the committee did not proceed in any manner in the matter. Subsequently, on 06.02.2020, the CWC issued a paper publication stating that a complaint had been registered before the CWC that the child named [REDACTED] aged about 3 years was found to be in illegal custody of the petitioners for last three years. It was also stated in the notice published in the newspaper that anyone claiming to be the child's parents or heir, knowing the details of the child's parents, should contact the chairman of the CWC, Government Boys' Anganwadi, Alkola, Shivamogga in person with necessary documents.

3. When these proceedings have been going on before the CWC, the petitioners had moved an application on 06.08.2021 seeking Foster Care of the child in accordance with the Model Guidelines for Foster Care-2016. The child was thereafter given in the custody of the CWC. When the petitioners requested to return the child to their custody, they



did not get a favourable response from the committee. Consequently, the petitioners had approached this Court by filing the present petition.

4. This Court vide order dated 08.10.2021 directed the CWC to hand over the custody of the child to the petitioners. However, the CWC was granted visitation rights for the purpose of supervision of the child.

5. In compliance of the said order dated 08.10.2021, the custody of the child was handed over to the petitioners and since then the child is in the custody of the petitioners. The child is now around 9.5 years old and is studying in 4th standard.

6. The learned counsel for the petitiones submits that pursuant to the notice issued by the CWC through paper publication on 06.02.2020, nobody had come forward claiming to be the parents or the legal heir of the child and whereabouts of the parents or mother of the child are not known till date. It is further submitted that the petitioners own physically disabled child, died at the age of 12 years and another girl child born to



them also died within 4 months after birth. The petitioners do not have any surviving biological child of their own. They want to adopt the child given to them by Gavisiddeshwara Swami Mutt on 10.06.2016, and since the child has been in their custody, care and protection. They are ensuring the welfare of the child to the best possible manner and every need of the child is being met by them as their own biological child.

7. The learned counsel for the petitioners submit that in view of the fact that the child has been in custody, care and protection for almost ten years, plucking the child from them would not only be against the paramount interest and welfare of the child, but also inhuman. He further submits that the petitioners are willing to abide by any direction issued by the committee or any authority to secure the welfare and interest of the child in their hands. He further submits that the petitioners' application pending before the Central Adoption Resource Authority be considered expeditiously for completing the legal formalities to adopt the child.

8. Mr. M.N.Sudev Hegde learned Additional Government Advocate for the respondent submits that the



Juvenile justice (care and protection of children) Model Rules, 2016 (for short 'the Model Rules, 2016'), provide the procedure in relation to the children in need of care and protection. Any child in need of care and protection is required to be produced before the CWC and the committee thereafter is required to conduct an inquiry as contemplated in Rule 19 of the aforesaid Rules, and thereafter issue necessary direction for securing the welfare, interest, care and protection of the child. The petitioners did not produce the child before the committee and in fact a complaint was made to the committee that the petitioners were in illegal custody of the child. Thereafter, the committee had issued the notice and also made paper publication as stated above. He further submits that the petitioners be directed to produce the child before the committee as and when the committee requires and allow the committee to conduct an inquiry as mandated under Rules 19 of the Model Rules, 2016, and thereafter, take necessary decision in this respect.

9. It would be apt to take note of Rule 18 and 19 of the Model Rules, 2016. From perusal of the said Rules it is



evident that the CWC has been given a responsibility to conduct an inquiry in relation to children who are in need of care and protection. The child in question was abandoned at Gavi Siddheshwara Swami Mutt after 3 days from his birth, and the Swamiji of the Mutt had given the child into the custody of the petitioners on 10.06.2016. The child has grown up in custody, care and protection of the petitioners. Now he is 9.5 years old and studying in a good school in 4th Standard.

10. This Court, therefore, is of the opinion that the paramount interest of the child's welfare, care and protection would be secured in the hands of the petitioners who have been looking after the child as their own child. May be for procedural and legal oversight, they could not reach the Committee as mandated under Rule 18 and 19 of the Model Rules, 2016.

11. In view of the aforesaid, we direct the petitioners to produce the child before the CWC in Bengaluru on 10.03.2026. On 10.03.2026, the committee shall proceed with the inquiry as provided under Rule 19 to see whether the interest and welfare of the child is secured in the custody of the petitioners or not. The petitioners' application for adoption of the child should also



be processed soon after the CWC completes its inquiry, and if the petitioners are found eligible to adopt the child, the child should be given to them in adoption.

12. The Central Adoption Resource Authority, Bengaluru is required to process the application of the petitioners expeditiously once the CWC completes its inquiry.

13. It is needless to say that the child should remain in the custody of the petitioners during the inquiry to be conducted by the CWC.

14. With the aforesaid directions to the petitioners, CWC and the Central Adoption Resource Authority, this writ petition is ***disposed of***. Pending applications, if any, also stand closed.

**Sd/-
(D K SINGH)
JUDGE**

RKA
List No.: 1 Sl No.: 6