

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

WEDNESDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HON'BLE SMT. JUSTICE T.MADHAVI DEVI**

WRIT PETITION NO: 27169 OF 2025

Between:

AND

Petitioner

1. The State of Telangana, Rep. by its Principal Secretary, Women and Child Welfare Dept., Secretariat, Hyderabad.
2. The Director, Women and Child Welfare Department, Swarna Jayanthi Complex, Ameerpet, Government of Telangana, Hyderabad. - 500 016.
3. The Child Welfare Committee, Swarna Jayanthi Complex, Ameerpet, Hyderabad - 500016.
4. The Superintendent, Sishu Vihar, Hyderabad, D.No. 8-3-222, Vengal Rao Nagar, Ameerpet, Hyd - 500038.
5. The SHO, Gopalpuram PS, Hyderabad.
6. The Special Investigation Team (SIT), Constituted for investigating the Fake Surrogacy Racket linked to Universal Srushti Fertility Centers, Central Crime Station, Basheerbagh, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus declaring the action of the Respondents in obtaining and retaining the custody of the Petitioner's child and the inaction on the part of the Respondent No. 2 in considering the Petitioner's representation dated 28.08.2025 as illegal, arbitrary, unjust, violative of Articles 14 and 21 of the Constitution of India and contrary to the principles of natural justice and consequently direct the Respondent Nos. 3 and 4 to hand over the custody of the child to the Petitioner.

IA NO: 1 OF 2025:

Petition under Section 151 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to direct the Respondent Nos. 3 and 4 to permit the Petitioner and her husband to visit Baby at regular intervals, pending disposal of WP. No. 27169 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed therein, and upon hearing the arguments of M/s. Anuradha Cherukuri, Advocate for the Petitioner, GP for Women and Child Welfare, for Respondent Nos. 1 to 4, and GP for Home, for Respondent Nos. 5 & 6, the Court made the following.

ORDER:

Notice before Admission.

Learned Government Pleader for Women and Child Welfare takes notice on behalf of respondent Nos.1 to 4 and waives further notice.

Learned Government Pleader for Home takes notice on behalf of respondent Nos.5 and 6 and waives further notice.

Registry is directed not to take out notice to respondents No.1 to 6 in view of the above waiver.

Learned counsel for the petitioner submitted that the petitioner and her husband are the victims of a scam committed by Dr.Namrata at Universal Srushti Fertility & Research Centre. It is submitted that the petitioner and her husband were promised that all necessary legal procedures and regularizations were being followed and that the couple would be delivered with their own biological child. It is further submitted that due to certain complications in retaining the baby in the womb of the petitioner, surrogacy procedure has been opted and at the time of delivery, the petitioner and her husband were very much present and have been taking care of the child. Learned counsel for the petitioner further submitted that subsequently, due to certain health problems, when the blood group of the child did not match with the blood group of the petitioner and her husband, they got a DNA test done and it was learnt that the child did not belong to them biologically. However, they have developed love and affection towards the child since its conception and therefore, they intended to keep and raise the child as their own. However, when the scam of Dr. Namratha and Universal Srushti Fertility & Research Centre came to light, they came to know about the irregularities and illegalities committed by Dr. Namratha and Universal Srushti Fertility & Research Centre and they filed a complaint against Dr. Namratha and Universal Srushti Fertility & Research Centre and thereafter, the custody of child was taken over by the Child Welfare Committee on the ground that the child was not their biological child.

It is further stated that the petitioner and her husband are regularly visiting the child and are taking care of all her needs even though the child is in the custody of the Child Welfare Committee. Therefore, they are seeking permanent custody of the child.

Learned Government Pleader for Women and Child Welfare, however, submitted that this issue falls within the realm of the Surrogacy (Regulation) Act, 2021 and that the petitioner would have to follow the said regulations and since no such procedure has been followed, the child, not being the biologically related to the petitioner, cannot be handed over to the petitioner and her husband. She placed reliance upon Section 4 of the Surrogacy (Regulation) Act, 2021 in support of her contentions. She further submitted that the child is currently being taken care of by the Child Welfare Committee.

After hearing both the parties, this Court observes that the issue needs detailed hearing. Therefore, the respondents are directed to file their counter affidavit.

This Court is *prima facie* satisfied that the petitioner and her husband are the victims of scam committed by Dr. Namratha and Universal Srushti Fertility & Research Centre. The birth certificate of the child bears the names of the petitioner and her husband as parents and the child was in their care for a period of two (02) months from birth till the custody has been taken over by the authority. Therefore, this Court directs the respondents, particularly respondent Nos. 3 and 4, to hand over the custody of the child to the petitioner and her husband immediately and the respondents are also free to visit and monitor the welfare of the child as they deem fit.

This order shall however not become a precedent for other cases.

List this matter on 15.10.2025 for counters of the respondents.

//TRUE COPY//

SD/-MOHD.ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Women and Child Welfare Dept., State of Telangana, Secretariat, Hyderabad.
2. The Director, Women and Child Welfare Department, Swarna Jayanthi Complex, Ameerpet, Government of Telangana, Hyderabad. - 500 016.
3. The Child Welfare Committee, Swarna Jayanthi Complex, Ameerpet, Hyderabad - 500016.
4. The Superintendent, Sishu Vihar, Hyderabad, D.No. 8-3-222, Vengal Rao Nagar, Ameerpet, Hyd - 500038.
5. The Station House Officer, Gopalpuram PS, Hyderabad.
6. The Special Investigation Team (SIT), Constituted for investigating the Fake Surrogacy Racket linked to Universal Srushti Fertility Centers, Central Crime Station, Basheerbagh, Hyderabad. (Addressees 1 to 6 BY RPAD)

7. Two CCs to GP for Women & Child Welfare, High Court for the State of Telangana, at Hyderabad (OUT)
8. Two CCs to GP for Home, High Court for the State of Telangana, at Hyderabad (OUT)
9. One CC to M/s. Anuradha Cherukuri, Advocate (OPUC)
10. One Spare Copy

HIGH COURT

TMD,J

DATE: 10-9-2025

NOTE: POST ON 15-10-2025



ORDER

WP. NO. 27169 OF 2025

DIRECTION