

Court No. - 39

Case :- WRIT - C No. - 24213 of 2024

Petitioner :- Huma @ Vasif

Respondent :- State Of U.P. And 9 Others

Counsel for Petitioner :- Arju

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Donadi Ramesh,J.

1. Petitioner describes herself as a transgender person. Her grievance is that respondent nos. 5 to 10 who are also members of transgender community have been harassing the petitioner. They have assaulted the petitioner in the past and have also been issuing regular threats to the petitioner to abide by their dictates. In that regard the respondents are described to have claimed a particular area of city Saharanpur as their 'territory' wherein the petitioner is being restrained to visit any household on any occasion of child birth or marriage. Thus the alms that the petitioner gets and which alone provide the means of sustenance are being deprived to the petitioner. Thus allegations have been made of denial of opportunity to avail material means to survive and of threat to life and property.

2. While the National Council exists under Act No.40 of 2019 and it may remain open to the petitioner to ventilate their grievance before the said body with respect to specified matters, at the same time the petitioner as a citizen is entitled to protection of life and liberty with dignity, as any other citizen.

3. Prima facie, no criminal case appears to exist against the petitioner. Thus, a clear case is made out by the petitioner to be

assured of protection of their life, liberty and property, with dignity.

4. Insofar as the fact allegations are concerned, we are not in a position to reach any firm conclusion at this stage.

5. Accordingly, the writ petition is **disposed of** with a direction subject to the petitioner filing a proper application before respondent no.2 supported by their personal affidavit annexing thereto copies of all documents (including electronic evidence) etc., within a period of two weeks from today that application may be considered on its own merits, in accordance with law after calling for necessary report. If necessary, the District Magistrate-Saharanpur may entrust the responsibility to appropriate officer to ensure that respondent nos. 5 and 10 may not cause any illegal restraint to the enjoyment of fundamental rights of life and liberty, with dignity, by the petitioner. In any case, necessary arrangements may remain in place so that the life, liberty and property of the petitioner are not subjected to any undue harm by the respondents.

Order Date :- 29.7.2024

A Gautam

(Donadi Ramesh,J.) (S.D. Singh,J.)