

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18615 of 2023

**Petitioner :-** Kinnar Sarvar

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Pankaj Kumar Tiwari

**Counsel for Respondent :-** G.A.

**Hon'ble Anjani Kumar Mishra,J.**

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.

2. The instant writ petition has been filed seeking following relief.

*i. Issue a writ, order or direction in the nature of mandamus to commanding the Respondent nos.2 and 3 to secure the livelihood of the petitioner from respondent nos. 4 and 5 and may also be directed to respondent nos.2 and 3 to restrain respondent nos.4 and 5 not to interfere in the peaceful livelihood of the petitioner.*

3. It is contended that the petitioner, a transgender is not being permitted to pursue his/her livelihood by the respondent nos.4 and 5, who are also transgenders. It has also been contended that in this regard and since the petitioner had been assaulted, a complaint was made to the police authority which fails into result in any action against the respondents.

4. The prayer in the writ petition is for a mandamus commanding the 2nd and 3rd respondents. However, counsel for the petitioner has not been able to produce any material which cast a duty upon the Superintendent of Police or Station House Officer to secure the livelihood of any individual.

5. In the absence of any statutory duty, the mandamus that has been prayed cannot be granted. In any case, the petitioner is primarily aggrieved by the actions of respondents no.4 and 5 who are private individuals under the circumstances the only remedy available to the petitioner is by means of a suit for injunction which the petitioner may, in case so advised file.

6. Subject to above observations, this petition fails and is **dismissed**.

**Order Date :-** 30.11.2023

A.Kr.