



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (Criminal) No. 1474 of 2025

18 November, 2025

Neha Bhatt

---Petitioner

Versus

State of Uttarakhand & Others

---Respondents

Presence:-

Mr. Dushyant Mainali, learned counsel for the petitioner
Mr. J.S. Virk, learned Deputy A.G. with Mr. Rakesh Kumar Joshi, learned
Brief Holder for the State

JUDGMENT: (per Sri Subhash Upadhyay, J.)

1. Heard the learned counsel for the petitioner
Shri Dushyant Mainali and the learned Deputy Advocate
General Shri J.S. Virk.

2. Petitioner has filed the present writ petition for
the following reliefs:-

*“i) Issue a writ, order or direction in the nature of
mandamus directing and commanding the District
Magistrate, Nainital/respondent no.3 and the District
Social Welfare Officer, Nainital-respondent no.5 to
forthwith decide the application of the petitioner for
appointment of limited guardianship in favour of Mrs.
Manisha Choudhary independently upon the merits
without being influenced by the opinions and prejudices*



of the petitioner's father and brothers.

ii) Issue a writ, order or direction in the nature of mandamus directing and commanding the District Magistrate, Nainital-respondent no.3 and the Senior Superintendent of Police, Nainital-respondent no.4 to ensure that the petitioner's rights under law are protected."

3. Learned counsel for the petitioner submits that the petitioner is suffering from multiple disabilities and as per the disability certificate issued by the Medical Authorities the petitioner is having 100% permanent hearing and speech disability, because of which the petitioner needs to take assistance of a sign language interpreter for communication.

4. He further submits that, when the petitioner was minor, father of the petitioner had sworn an affidavit of authority for petitioner's care and had given permission to the caregiver of the petitioner, namely, Ms. Satrupa Kagel D/o Murray Kagel, R/o 421 Geronima Lane, Taos, New Mexico, USA; that with the help of caregiver Ms. Satrupa Kagel the petitioner got admission in several schools for the Deaf and she completed her education up to 7th standard from Abhilasha Vidyalaya, Udaipur.



5. Learned counsel for the petitioner further submits that, due to her ill health and status as a foreign national, Ms. Satrupa Kagel had given her consent for the care of the petitioner to be entrusted to Mrs. Manisha Choudhary W/o Sri Mangli Prasad, R/o Ganesh Nagar Colony, Ward No.19, Itarasi, M.P.; that the daughter of Mrs. Manisha Choudhary is also a disabled child and has completed education up to 7th standard from the same Institute from where the petitioner got education; that, the petitioner being major had submitted an application u/s 14 of the Rights of Persons with Disabilities Act, 2016 before the District Magistrate, Nainital for appointment of limited guardianship in favour of Mrs. Manisha Choudhary, which was forwarded to the District Social Welfare Officer, Nainital, however, no decision has been taken on the same till date.

6. The petitioner Km. Neha Bhatt, Ms. Satrupa Kagel and Mrs. Manisha Choudhary are present virtually. Mr. Digvijay Sharma, Interpreter appointed by Ms. Satrupa Kagel is also present virtually. Respondent no.7 Kailash Chandra Bhatt is present in person before the Court with his son Mr. Sanjay Bhatt.

7. We have interacted with respondent no.7-



father and brother of the petitioner, who submits that they have no objection if limited guardianship of the petitioner is given to Mrs. Manisha Choudhary. We have also interacted with Mrs. Manisha Choudhary, who confirmed her willingness to accept the limited guardianship of the petitioner.

8. In view of the above, writ petition is disposed of directing the District Magistrate, Nainital to consider and decide the application made by the petitioner for limited guardianship in favour of Mrs. Manish Choudhary, within a period of one week from today.

9. We also direct the District Social Welfare Officer, Nainital to consider the case of the petitioner for grant of benefit of various schemes framed by the State Government for persons with disabilities.

10. It is also submitted by the learned counsel for the petitioner that the petitioner had been receiving a disability pension when she was minor, but after attaining majority, the pension has been discontinued. Thus, the petitioner has also submitted an online application before the District Social Welfare Department for restoration of the pension; however, the same is also pending



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consideration.

11. In that view, the District Social Welfare Officer, Nainital is directed to look into the application of the petitioner for grant of disability pension and to decide the same within a period of two weeks.

12. Writ petition stands ordered, accordingly.

13. There shall be no order as to costs.

14. Pending applications, if any, also stand disposed of accordingly.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 18.11.2025

R/SS

**RAJINI
GUSAIN**

Digitally signed by RAJINI GUSAIN
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