

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7799 OF 2015

Abdulla Ansari	...	Petitioner
Vs.		
The Superintendent of Shanti Sadan		
Women Shelter Home & Anr.	...	Respondents

Ms. Mani Prakash, Adv., a/w. Ms. Archana Rupwate, Adv. i/b. Kranti Lazanis Chinnappa, Adv. for petitioner.
Vishal Thadani, AGP for respondents.

**CORAM : MRS. ROSHAN DALVI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATED : 30th September, 2015

P.C. :

1. The essential reliefs in the Writ Petition are the issue of mandamus for direction to ensure that the petitioner's wife stated to be Masooma Swati @ Masuma Khatun @ Masooma Abdulla Ansari @ Masooma Khatun a.k.a. Masooma Abdulla Amin be not forced to undergo abortion since forcing of abortion would be per se a criminal offence. An injunction in that regard was granted pending the petition under our order dated 10th September, 2015. The lady has not been forced to undergo abortion. The affidavit in reply of the State shows that the Superintendent who forced her to undergo abortion has been suspended and two other employees have been transferred. Prayer 'A' is accordingly worked out.

2. The other prayer in the writ petition is also in the nature of the direction against the respondents to allow the aforesaid lady to attend the UNHCR office in Delhi for her interview. The lady is at

present kept in Shanti Sadan Mahila Vasti Grah in Ulhasnagar, Dist. Thane. She shall be kept there and her custody shall be taken care of by the Superintendent in the institution where she is kept in accordance with law. The affidavit of State shows that she shall be sent with escort for the purpose of interview when the interview is scheduled and when the letter in that behalf is received by the Women and Child Development department from the UNHCR. The statement is accepted. The direction in that behalf is accordingly passed.

3. Upon the aforesaid direction Writ Petition itself gets worked out and is disposed of accordingly.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (ROSHAN DALVI, J.)

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.