

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

TUESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY

: **PRESENT:**

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE B VIJAYSEN REDDY

WP(PIL). No. 74 OF 2020

Between:

Vyjayanti Vasanta Mogli Alias M.Vijay Kumar/Vijay Jagdish Mogli, D/o Mr. Mogli Jagdish Kumar, Occ. Social Activist, R/o 3-5-139/2/A, Shiva Nagar, Hyderguda, Attapur, Rajendra Nagar Mandal, Ranga Reddy District, Hyderabad - 500048 Mobile No.9885567958 Adhaar Card No. 868190852807 Pan Card No.AUNPM1646D Email Id. vyjayanti.vasanta.mogli@gmail.com

Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary, Room No.301 and 302, 3rd Floor, Telangana Secretariat, Hyderabad 500021.
2. The State of Telangana, Rep by its Principal Secretary, Department of Health Medical and Family Welfare, Telangana State Secretariat, Hyderabad.
3. The State of Telangana, Rep by its Principal Secretary, Department of Civil Supplies, Telangana Secretariat, Hyderabad.
4. The State of Telangana, Rep by its Principal Secretary, Department of Home, Telangana Secretariat, Hyderabad.
5. The State of Telangana, Rep by its Principal Secretary Department of Finance, Telangana Secretariat, Hyderabad.
6. The State of Telangana, Rep by its Principal Secretary, Department of Panchayat Raj and Rural Development, Telangana Secretariat, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the petition and affidavit filed in support thereof the High Court may be pleased to issue a Writ, Order of direction more particularly one in the nature of Writ of Mandamus A) Direct the Respondents herein to provide free of cost rations, food and nutrition and provisions including vegetables and fruit to members of the transgender community from ration shops and also from other outlets without insisting for the production of Ration card, B) Direct the Respondents herein to provide Free of cost medicines to transgender persons including HIV medications, hormone therapy medicines, diabetes and other medications to be made available to transgender persons from primary health centres and from government and public hospitals, C) Direct the Respondents herein to allow transgender persons to apply for and provide the payment of three months social security pension to transgender persons under the Aasara scheme, D) Direct the Respondents herein to provide free LPG cylinders and waive electricity bill for 6 months to transgender persons in the lines of the similar assurance for 3 months under the PM Garib Kalyan Yojana. E) Direct the Respondents herein to extend the Aarogyashri government medical insurance to transgender persons and Direct that the Aarogyashri include the health challenges of COVID-19, F) Direct the Respondents herein to take appropriate action against those who are targeting the Transgender Persons by falsely labelling them in public as the potential carriers of HIV positive and Corona-Virus and consequently direct the Respondents herein to protect the life by providing appropriate security to the Transgender persons in all public places. G) Direct the Respondents to place moratorium on the collection of rents till the end of June free of interest and late payment penalty fees and pass orders directing that landlords they should not evict transgender persons from existing rental premises for non-payment of rent during the present period;

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, this Hon'ble court may be pleased to direct the Respondents herein to immediately ensure the supply of all basic essential rations, food and nutrition and provisions including vegetables, fruits and medicines for free of cost to all Transgender persons and consequently direct the Respondents herein to provide proper health care for free of cost to all Transgender persons diagnosed with HIV positive and those Transgender persons undergoing sex re-assignment, pending disposal of WP(PIL) 74 of 2020, on the file of the High Court.

IA NO:2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, this Hon'ble court may be pleased to direct the Respondents herein to immediately ensure the supply of all basic essential rations, food and nutrition and provisions including vegetables, fruits and medicines for free of cost to all Transgender persons and consequently direct the Respondents herein to provide proper health care for free of cost to all Transgender persons diagnosed with HIV positive and those Transgender persona undergoing sex re-assignment, pending disposal of WP(PIL) 74 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and orders of the High Court dated 27.04.2020 & 29.06.2020 made herein and upon hearing the arguments of Ms.Kothari, senior Advocate for Sri R Sameer Ahmed Advocate for the Petitioner and of Sri B.S. Prasad, Advocate General, for the respondents, the Court made the following.

ORDER:


Ms. Kothari, the learned Senior Advocate for the petitioner, submits that although the State has taken a position that it is not able to distribute foodgrains to the members of the transgender community, who do not have ration cards in their names, but under the Pradhan Mantri Gareeb Kalyan Yojana, the Hon'ble Prime Minister has already announced that the foodgrains would be distributed even to those who are not holders of ration card. The said Scheme has been extended upto November, 2020. Furthermore, according to the Central Government, so far, the State of Telangana has lifted only one per cent of the foodgrains being distributed under the Central Scheme. Therefore, she submits that transgender community members who do not have ration cards in their favour, should be given the benefit of the Central Scheme.

Therefore, this Court directs the learned Advocate General to speak to the Commissioner, Civil Supplies Department, Telangana, and ensure that the benefit of the Central Scheme is extended not only to the members of the transgender community, but also to others, who may not be holding ration cards in their favour. This Court further directs the State Government to synchronise its movement with the Central Scheme so that the benefit of the Central Scheme can be extended to as large a population as possible.

Mr. B. S. Prasad, the learned Advocate General, seeks a week's time to file his report with regard to the distribution of foodgrains to those members of the transgender community, who are not holders of ration card.

List this case on 14.07.2020.

//TRUE COPY//

Sd/- K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Room No.301 and 302, 3rd Floor, State of Telangana, Telangana Secretariat, Hyderabad 500021.
2. The Principal Secretary, Department of Health Medical and Family Welfare, State of Telangana, Telangana State Secretariat, Hyderabad.
3. The Principal Secretary, Department of Civil Supplies, State of Telangana, Telangana Secretariat, Hyderabad.

4. The Principal Secretary, Department of Home, State of Telangana, Telangana Secretariat, Hyderabad.
5. The Principal Secretary Department of Finance, State of Telangana, Telangana Secretariat, Hyderabad.
6. The Principal Secretary, Department of Panchayat Raj and Rural Development, State of Telangana, Telangana Secretariat, Hyderabad.
(Addressees 1 to 6 by RPAD)
7. One CC to Sri R Sameer Ahmed Advocate [OPUC]
8. Two CC to Advocate General, High Court, Hyderabad(OUT)
9. Two spare copies

HIGH COURT

HCJ
&
BVRJ

DATED: 07.07.2020

NOTE: LIST ON 14.07.2020



ORDER

WP(PIL).No.74 of 2020

DIRECTION