



2024:KER:2254

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

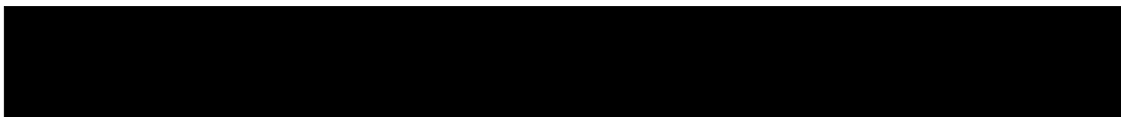
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945

WP(C) NO. 40030 OF 2023

PETITIONERS:

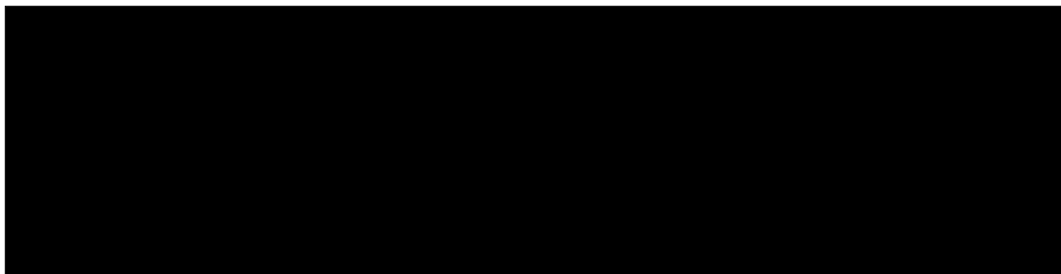
1



2



3



BY ADVS.
LEGITH T.KOTTAKKAL
P.R.BANERJI

RESPONDENTS:

1

STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GENERAL ADMINISTRATION DEPARTMENT,
THIRUVANANTHAPURAM, PIN - 695001.

2

INSPECTOR GENERAL,
DEPARTMENT OF REGISTRATION, VANCHIYUR P.O,
THIRUVANANTHAPURAM KERALA -, PIN - 695035.

3

DISTRICT REGISTRAR,
DISTRICT REGISTRAR (GENERAL) OFFICE,
1ST FLOOR TRANSPORT BHAVAN, FORT. PO,
THIRUVANANTHAPURAM, PIN - 695023.

4

STATE POLICE CHIEF, POLICE HEAD QUARTERS,
VELLAYAMBALAM THIRUVANANTHAPURAM P.O,
PIN - 695010.



WP(C) Nos.40030/2023, 42135/2023

-2-

- 5 STATION HOUSE OFFICER,
PALARIVATTOM POLICE STATION,
PALARIVATTOM P.O, PIN - 682025.

- 6 YOUTH ENRICHMENT SOCIETY
(REG NO.TVM/TC/241/2023) JAMES M JOSHUA,
C/O LILLY HUDSON, ROHINI COMPOUND,
OPPOSITE LIC, PATTOM P.O, TRIVANDRUM-
REPRESENTED BY SHIBIL TK, S/O YUSAF TK,
THAIKKUMPARAMBIL, THALIYAMKUNDU, PORUR P.O,
MALAPPURAM, PIN - 695004.

BY ADVS.
BHAVANA K K
PADMA LAKSHMI
AAMIR SOHRAB M. M.(K/001256/2019)
SRI. SUNIL K.KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 09.01.2024, ALONG WITH WP(C).42135/2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



WP(C) Nos.40030/2023, 42135/2023

-3-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945

WP(C) NO. 42135 OF 2023

PETITIONERS:

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

BY ADVS.
LEGITH T.KOTTAKKAL
P.R.BANERJI

RESPONDENTS:

1

STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GENERAL ADMINISTRATION DEPARTMENT,
THIRUVANANTHAPURAM, PIN - 695001.



WP(C) Nos.40030/2023, 42135/2023

-4-

- 2 INSPECTOR GENERAL OF REGISTRATION
DEPARTMENT OF REGISTRATION, VANCHIYUR P.O,
THIRUVANANTHAPURAM KERALA, PIN - 695035.
- 3 DISTRICT REGISTRAR (GENERAL),
DISTRICT REGISTRAR (GENERAL)OFFICE,
1ST FLOOR TRANSPORT BHAVAN, FORT. PO,
THIRUVANANTHAPURAM, PIN - 695023.
- 4 STATE POLICE CHIEF,
POLICE HEAD QUARTERS, VELLAYAMBALAM
THIRUVANANTHAPURAM P.O, PIN - 695010.
- 5 MALAPPURAM MUNICIPALITY,
REPRESENTED BY SECRETARY,
MUNICIPAL OFFICE MALAPPURAM, BUS STAND ROAD,
UP HILL, MALAPPURAM, PIN - 676505.
- 6 YOUTH ENRICHMENT SOCIETY,
REG NO.TVM/TC/241/2023) JAMES M JOSHUA,
C/O LILLY HUDSON, ROHINI COMPOUND,
OPPOSITE LIC, PATTOM P.O, TRIVANDRUM- 695004
REPRESENTED BY ITS PRESIDENT SHIBIL TK,
S/O YUSAF TK, THAIKKUMPARAMBIL, THALIYAMKUNDU,
PORUR P.O, MALAPPURAM - 686011, PIN - 695004.
- 7 STATION HOUSE OFFICER,
MALAPPURAM POLICE STATION,
ANNUNNIPARAMBU, UP HILL,
MALAPPURAM P.O-, PIN - 676505.

BY ADV ABDUL RASHEED K I
SRI.SUNIL KUMAR KURIAKOSE, GP
SMT.K.K.BHAVANA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 09.01.2024, ALONG WITH WP(C).40030/2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



WP(C) Nos.40030/2023, 42135/2023

-5-

JUDGMENT

[WP(C) Nos.40030/2023, 42135/2023]

The petitioners in both these cases - which have been heard together, adverting to the similarity of the factual circumstances presented and the reliefs sought for - are stated to be transgenders, or persons working in support of such; and they assert that the 6th respondent - Youth Enrichment Society ('YES'), is spreading rumours about the 'LGBTQ' community, with the nefarious intent to tarnish and cause them harm.

2. When W.P.(C)No.40030/2023 was heard on 30.11.2023, after hearing Sri.Legith T.Kottakkal - learned counsel for the petitioners, this Court passed the following order:

"If the allegations in this writ



petition have any veracity, then it presents a very serious issue which should gain the attention of the 4th respondent - State Police Chief, as also the competent Authority of the 1st respondent - State of Kerala.

2. Suffice to say, every citizen has a right to live, which is equal and less to no other. These rights are constitutionally provided and protected and cannot be attenuated or suppressed by any person who may have propagandist ideas or deleterious philosophies to follow.

3. Cyber space is no longer a myth, it is a reality. It is one where reputations of persons are easily attacked and deracinated and the perpetrators believe that they can do so being without any accountability. This has to necessarily change because, in a civilized world, the Authorities are to acknowledge the issues involved and to take necessary repertory action because, otherwise, it is possible that certain sections would certainly be subjected to great prejudice.

4. I, therefore, direct the petitioners to take out notice to



WP(C) Nos.40030/2023, 42135/2023

-7-

respondent No.6 by speed post. The learned Government Pleader - Sri.Sunil Kumar Kuriakose, in the meanwhile, will obtain instructions from respondents 1 to 5 as to the action with respect to the complaints in this writ petition - if already taken, or to be suggested. The 4th respondent - State Police Chief shall also look into this aspect and take necessary measures as may be warranted and an Action Taken Report in this regard will be placed before this Court by the next posting date.

List after three weeks."

3. Smt.K.K.Bhavana - learned counsel for the 6th respondent in both cases, in response, submitted that the allegations made against her client by the petitioners are wholly untrue and that they will be able to establish through valid proceeding in law.

4. Sri.Sunil Kumar Kuriakose - learned Government Pleader, pertinently submitted



WP(C) Nos.40030/2023, 42135/2023

-8-

that, adverting to the various allegations in these cases - particularly in W.P. (C)No.40030/2023 - the Police have registered two Crimes against the 6th respondent, namely, : Crime No.1442/2023 of Malappuram Police Station, which has been charge-sheeted and is now proceeded as a Calendar Case, namely C.C.No.2672/2023, before the Judicial First Class Magistrate Court, Malappuram; and Crime No.2875/2023, also of the Malappuram Police Station, registered on 14.12.2023, in which investigation is continuing. He explained that it is only after the investigation is completed can any further decision be taken as to the steps to be taken against the 6th respondent - 'YES'.

5. I find favour with the afore submissions of the learned Government Pleader



WP(C) Nos.40030/2023, 42135/2023

-9-

because, the petitioners will obtain every opportunity to impel their case as witnesses before the Criminal Courts; and I, therefore, see no reason to keep these writ petitions on the files of this Court, particularly when any comment from this Court can have repercussions in the ongoing criminal trial and investigation.

In the afore circumstances, confirming the observations in the afore extracted interim order, I order these writ petitions, leaving liberty to the petitioners to approach this Court again, if so required in future; for which purpose, all their contentions are left open.

Needless to say, the liberty of the petitioners to involve themselves in the ongoing investigation and the trial, as



WP(C) Nos.40030/2023, 42135/2023

-10-

available to them under the statutory Scheme,
is fully left open.

I further record the submissions of the learned Government Pleader that the boards mentioned in W.P.(C)No.42135/2023, allegedly installed by the 6th respondent against the petitioners, have been removed; and that necessary action will be taken, if any such attempt is made in future.

At this time, Sri.Legith T.Kottakkal - learned counsel for the petitioners, pointed out that his clients have preferred Exts.P10 and P22 complaints respectively, in W.P.(C)Nos.40030/2023 and 42135/2023, before respondents 1 to 3, seeking cancellation of the registration of 6th respondent.

If the afore is so, then the 2nd



WP(C) Nos.40030/2023, 42135/2023

-11-

respondent - Inspector General of Registration, will consider the same in terms of law, after hearing all sides. This shall be done as expeditiously as is possible, but not later than three months from the date of receipt of a copy of this judgment.

I reiteratingly clarify that I have not entered into the merits of any of the rival contentions of the parties, including the maintainability of the aforesaid complaints before the said Authority, and it will be up to him to decide all germane aspects as per law and statutory prescriptions.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

akv



WP(C) Nos.40030/2023, 42135/2023

-12-

APPENDIX OF WP(C) 42135/2023

PETITIONER EXHIBITS

- EXHIBIT P1 COPY OF THE TRANSGENDER IDENTITY CARD OF 1ST PETITONER ISSUED BY THE DISTRICT COLLECTOR, KOZHIKODE DATED 17-08-2022
- EXHIBIT P2 COPY OF THE TRANSGENDER IDENTITY CARD OF 2ND PETITIONER ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM DATED 15-11-2022
- EXHIBIT P3 COPY OF THE TRANSGENDER IDENTITY CARD OF 3RD PETITIONER ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM DATED 06-08-2022
- EXHIBIT P4 TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 25.04.2015 OF 4TH PETITIONER ISSUED BY DISTRICT REGISTRAR MALAPPURAM
- EXHIBIT P5 COPY OF THE REGISTRATION CERTIFICATE DATED 24/04/2023 OF 6TH RESPONDENT ISSUED BY THE DISTRICT REGISTRAR (GENERAL) TRIVANDRUM
- EXHIBIT P6 COPY OF THE BYLAW AND MEMORANDUM OF ASSOCIATION OF 6TH RESPONDENT ISSUED UNDER THE RTI ACT, 2005
- EXHIBIT P7 COPY OF THE IMAGES OF THE FLEX BOARDS PUT UP BY THE 6TH RESPONDENT
- EXHIBIT P8 COPY OF THE COMPLAINT DATED 28.10.2023 BY THE 2ND PETITIONER BEFORE THE 7TH RESPONDENT
- EXHIBIT P9 COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED BY THE 7TH RESPONDENT



WP(C) Nos.40030/2023, 42135/2023

-13-

- EXHIBIT P10 COPY OF THE PICTURES SHOWING THE UNAUTHORISED FLEX BOARDS INSTALLED
- EXHIBIT P11 COPY OF THE COMPLAINT DATED 28.10.2023 BY 4TH PETITIONER BEFORE THE 7TH RESPONDENT
- EXHIBIT P12 COPY OF THE COMPLAINT DATED 3.11.2023 BEFORE THE 5TH RESPONDENT
- EXHIBIT P13 COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED BY 5TH RESPONDENT
- EXHIBIT P14 COPY OF THE SCREENSHOT OF THE INSTAGRAM POST DATED 1.11.2023
- EXHIBIT P15 COPY OF THE NOTICE DISTRIBUTED BY THE 6TH RESPONDENT
- EXHIBIT P16 THE COMPLAINT DATED 28.10.2023 BY 1ST PETITIONER BEFORE 7TH RESPONDENT
- EXHIBIT P17 COPY OF THE FIRST INFORMATION REPORT NO. 1442/2023 MALAPURAM POLICE STATION DATED 29-10-2023
- EXHIBIT P18 COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY THE CO-ORDINATER OF PRIDE MARCH BEFORE SUPERINTENDENT OF POLICE, MALAPPURAM
- EXHIBIT P19 COPY OF THE FIRST INFORMATION REPORT NO.1443/2023 DATED 29-10-2023 OF MALAPURAM POLICE STATION REGISTERED AGAINST THE MEMBERS OF THE 6TH RESPONDENT
- EXHIBIT P20 COPY OF THE INSTAGRAM POST OF 6TH RESPONDENT
- EXHIBIT P21 TRUE COPY OF THE PETITION DATED 1.11.2023 SUBMITTED BY THE 3RD



2024:KER:2254

WP(C) Nos.40030/2023, 42135/2023

-14-

PETITIONER BEFORE 4TH AND 7TH
RESPONDENT

EXHIBIT P22 COPY OF THE COMPLAINT DATED 18.11.2023
SUBMITTED BY THE 4TH PETITIONER BEFORE
RESPONDENTS 1 TO 3

EXHIBIT P23 COPY OF THE INTERIM ORDER DATED 30-11-
2023 IN THE WPC 40030 OF 2023



WP(C) Nos.40030/2023, 42135/2023

-15-

APPENDIX OF WP(C) 40030/2023

PETITIONER EXHIBITS

- EXHIBIT P1 COPY OF THE TRANSGENDER IDENTITY CARD OF 1ST PETITIONER ISSUED BY THE SOCIAL JUSTICE DEPARTMENT DATED 07-01-2019
- EXHIBIT P2 COPY OF THE REGISTRATION CERTIFICATE OF 3RD PETITIONER DATED 25.04.2015 ISSUED BY DISTRICT REGISTRAR; MALAPPURAM
- EXHIBIT P3 COPY OF THE REGISTRATION CERTIFICATE DATED 24/04/2023 ISSUED BY THE DISTRICT REGISTRAR (GENERAL) TRIVANDRUM TO THE 6TH RESPONDENT
- EXHIBIT P4 COPY OF THE BYLAW AND MEMORANDUM OF ASSOCIATION OF 6TH RESPONDENT ISSUED UNDER THE RTI ACT, 2005
- EXHIBIT P5 VERBATIM OF THE CONTENT OF THE VIDEO POSTED IN THE SOCIAL MEDIA OF 6TH RESPONDENT
- EXHIBIT P6 TRUE COPY OF THE FACEBOOK POST OF THE 6TH RESPONDENT DATED 1-06-2023
- EXHIBIT P7 TRUE COPY OF THE FACEBOOK POST OF THE 6TH RESPONDENT
- EXHIBIT P8 COPY OF THE INSTAGRAM POST DATED 12.08.2023 OF THE 6TH RESPONDENT
- EXHIBIT P9 COPY OF THE COMPLAINT DATED 05-09-2023 SUBMITTED BY THE 1ST PETITIONER
- EXHIBIT P9 (A) TRUE COPY OF THE RECEIPT RECEIVED FROM THE 5TH RESPONDENT ON COMPLAINT DATED 05-09-2023



2024:KER:2254

WP(C) Nos.40030/2023, 42135/2023

-16-

EXHIBIT P10	COPY OF THE COMPLAINT IS SUBMITTED TO RESPONDENTS 1 TO 3 THROUGH EMAIL
EXHIBIT P11	COPY OF THE EMAIL DATED 24-11-2023 SENT BY THE 3RD PETITIONER
EXHIBIT P12	COPY OF THE NEWS REPORTED IN TIMES OF INDIA DATED 26-11-2023