



2026:AHC-LKO:25757-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 3495 of 2026

Rekha Devi

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. (Home Deptt.) Lko.
And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Pramod Kumar, Sangeeta Verma,
Sarojani Misra
Counsel for Respondent(s) : C.S.C.

Court No. - 5

**HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard Ms Sangeeta Verma, learned counsel for the petitioner and learned Standing Counsel for the respondents no 1 to 3.
2. In view of the order proposed to be passed, notice to private respondents, is dispensed with.
3. It has been submitted by learned counsel for the petitioner that the petitioners belongs to Kinnar (Transgender Community) residing within the jurisdiction of Police Station Colonelganj, District Gonda, Uttar Pradesh and have long been exercising the traditional customary / jajmani rights to collect badhai (customary offerings/gifts which are given on auspicious occasions) in a defined territorial jurisdiction for a number of years. It has been submitted that there are similarly other kinnars residing in district Gonda who are also realising the badhai and they are encroaching upon each others territorial jurisdictions due to which there is enmity between them and there has been instances of murderous assaults and fights causing grievous hurts to the members of their own community.
4. It is in the aforesaid circumstances that the petitioner claims protection of her fundamental rights under Article 14, 19 and 21 of Constitution of India to carry on her task of collection of badhai without fear of violence and accordingly in the present writ petition the petitioner has prayed for a

direction to the respondents to demarcate and declare the petitioner's territorial jurisdictions for collection of badhai / jajmani rights extending from Kati ka Pul in Jarwal town to Ghaghra Ghat and up to Saryu Bridge in Colonelganj to prevent future disputes.

5. Considering the grievance of the petitioner the first issue which arises for consideration is as to whether the petitioner has any fundamental right to collect badhai/jajmani and can such a right be protected by the courts and secondly whether the prayers sought by the petitioner can be granted which will amount to granting legitimacy to their operations of collecting badhai/jajmani and confining their traditional role of collecting badhai to a particular jurisdiction.

6. Considering the arguments of learned counsel for the petitioner that such collection is being made by them for a number of years and has translated into a customary right and such a customary right is sought to be protected by means of present writ petition. Needless to say there is no legitimate or legal backing permitting any person or individual from collecting / extracting any money, tax, fee or cess from any individual except in accordance with law. Such rights as sought by the petitioner are not recognized by law and accordingly the courts in its power under Article 226 of the Constitution of India cannot legitimize the acts of the petitioner without there being any backing of law.

7. Extraction of money from any individual willfully or otherwise cannot be permitted to be made and any citizen of this country can be directed to pay only such amounts of tax, cess or fee which can be legitimately extracted from such individuals in accordance with law.

8. We have noticed that even as per the provisions of the Transgender Persons (Protection of Rights) Act, 2019 no such right has been sought to be protected though in the said Act the transgender person was assigned to determine his / her gender. A new bill of 2026 is under consideration of Parliament of India which is a major departure from the Act of 2019 with regard to determination of gender of an individual.

9. In any view of the matter such extraction of money cannot be legitimized and the prayer made in the writ petition cannot be accepted. In

case any indulgence is shown in the respect of the petitioner there may be several other persons / gangs which may be operating and making illegal extraction / extortion from individual and such illegal extraction has never been sanctioned by law in this country and such extraction is an offence under the Bhartiya Nyaya Sanhita.

10. For the aforesaid reasons, the writ petition is devoid of merit and is accordingly **dismissed**.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

April 15, 2026

J. K. Dinkar