IN THE SUPREME COURT OF INDIA

[SCR ORDER XXI, RULE 3 (1) (a)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2018

[Under Article 136 of the Constitution of India]

(Arising out of Impugned Interim Order dated 28.09.18 of the Hon’ble High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018)

(With Prayer for Interim Relief)

In the matter of:

Chaanv Foundation …Petitioners

VERSUS

State of Uttar Pradesh and ors. …Respondents

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Filed on:

ADVOCATE FOR PETITIONER: SATYA MITRA

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Appendix

RELEVANT ARTICLES FROM THE CONSTITUTION OF INDIA

ARTICLE 14 EQUALITY BEFORE THE LAW:

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

ARTICLE 21 PROTECTIONS OF LIFE AND PERSONAL LIBERTY:

No person shall be deprived of his life or personal liberty except according to procedure established by law.

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(With Prayer for Interim Relief)

In the matter of:

Chaanv Foundation …Petitioners

VERSUS

State of Uttar Pradesh and ors. …Respondents

OFFICE REPORT ON LIMITATION

1. The petition is/are within time.
2. The petition is barred by time and there is delay of \_\_\_ days in filing the same against order dated 28.09.18 and petition for condonation of \_\_\_ days delay has been filed.
3. There is delay of \_\_\_ days in refilling the petition and petition for condonation of days delay in refilling has been filed.

BRANCH OFFICER

New Delhi

Dated: .10.2018

‘A-1'

PROFORMA FOR FIRST LISTING

SECTION: \_\_\_

The case pertains to (Please tick/check the correct box):

Central Act: (Title) N.A.

Section: N.A.

Central rule: (Title) N.A.

Rule no(s): N.A.

State Act (Title) N.A.

Section: N.A.

State Rule (Title): N.A.

Rule no(s): N.A.

Impugned Interim Order date: 28.09.18.

Impugned Final Order/Decree Date: N.A.

High Court Name: HIGH COURT OF JUDICATURE AT

ALLAHABAD, LUCKNOW BENCH SITTING AT LUCKNOW

Name of Judges: JUSTICE SHABHIHUL HASNAIN AND

JUSTICE RANJAN ROY

Tribunal/Authority(Name): N.A.

1. Nature of matter: Civil Criminal
2. (a) Petitioner/Appellant No.1: Chhanv foundation through its director

(b) E-mail ID: N.A.

(c) Mobile Phone Number: N.A.

1. (a) Respondent No.1: State of UP.

(b) E-mail ID: N.A.

(c) Mobile Phone Number: N.A.

1. (a) Main category classification: N.A.

(b) Sub classification: N.A.

1. Not to be listed before: N.A.
2. Similar/Pending matter: N.A.
3. Criminal matters:
   * 1. Whether accused/convict has surrendered: Yes No
     2. FIR No.: N.A. Date: N.A.
     3. Police Station: N.A.
     4. Sentence Awarded: N.A.
     5. Sentence Undergone: N.A.
4. Land Acquisition Matters:
   * 1. Date of section 4 notification: N.A.
     2. Date of section 6 notification: N.A.
     3. Date of section 17 notification: N.A.
5. Tax Matters: State the tax effect: N.A.

10. Special Category (first petitioner/appellant only):

Senior citizen > 65 years  SC/ST Woman/Child

Disabled Legal Aid case In custody

11. Vehicle No. (In case of Motor Accident Claim matters): N.A.

12. Decided case with citation: N.A.

Date:

(Satya Mitra)

AOR for Petitioner

Registration No. 1852

E-mail id: satyamitra2003@yahoo.co.in

SYNOPSIS

1. This petition impugns the order dated 28.08.2018 of High Court of Judicature at Allahabad, Lucknow Bench Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018. By this order the Hon’ble High Court refused to grant stay on the Writ Petition without giving any reasons whatsoever which is reproduced herein:

"In pursuance of the order dated 22.9.2018 wherein the petitioner has been ask to vacate the cafe premises till 29.9.2018 it is directed that date is extended till 22.10.2018"

Unreasoned Order

1. At the outset petitioner submits that the impugned order is an order without reasons and on this ground alone ought to be quashed and the matter remanded to the High Court for a proper hearing and decision.

World Famous Café for Acid Attack Victims Closed Down

1. This SLP deals with the abrupt closure by the State of UP of a world famous “Sheroes Café” being run by the petitioner - a well reputed NGO working with acid attacks victims. The first café, set up at Agra, was set up to employ acid attack victims in the café which also conducted social programmes, workshops and trainings. The second café was set up in Lucknow in 2016 after Chief Minister Akhilesh Yadav gave the premises and promised support and authorities indicated orally many times that the café would run for 30 years. This is the only project in India helping acid attack victims where educational qualifications are not a bar. The café became so popular worldwide that extensively covered by media. Petitioner has made an index of the newspaper clippings which is set out herein below:

|  |  |  |  |
| --- | --- | --- | --- |
| AGRA | | | |
| S.No. | Name of the Newspaper | Brief Summary of the News Report | Reported On |
| 1. | Mirror | Brave acid attack survivors baring their scarred faces to help other abused women | 07.10.15 |
| 2. | Al Jazeera | A new café, besides serving coffee, aims to remove the stigma surrounding victims of acid attacks. | 01.12.14 |
| 3. | Worldcrunch | In India, a café for acid attack survivors serves pure courage | 30.12.14 |
| 4. | Mail Online | All the scarred women are getting renewed hope with a new café | 05.06.15 |
| 5. | The guardian | India’s acid attack victims unite against the horror of their past | 20.08.15 |
| 6. | Mirror | Women acid attack victims ‘to ugly’ to be employed join forces to open own café | 15.01.15 |
| 7. | The wall Street Journal | The café run by Acid attack survivors | 03.06.15 |
| 8. | The Globe and Mail | Survivors of acidattacks reject seclusion | 22.02.16 |
| 9. | The independent | Sheroes hangout A tribute to acid survivors | 09.09.15 |
| 10. | Huffpost women | Café launched by acid attack survivors is empowering Abused women in India | 07.10.15 |
| 11. | Gulf News People | Initiatives to help acid attack survivors | 26.12.15 |
| 12. | Post Magazine | Dine for a cause at café run by acid attack survivors | 04.01.15 |
| 13. | Takepart | A café run by acid attack survivors attracts visitors from around the world | 02.11.15 |
| 14. | The Huffington Post | The Real Heros of Agra: Acid Attack Survivors at Sheroes Hangout Café | 10.09.14 |
| 15. | Blog di Lifestyle | A new project to restore hope to the women disfigured by acid | 08.09.15 |
| 16. | Amazing India Blog | A venue where new wave feminism evolves every day to overcome the challenges faced by the women | 04.09.15 |
| 17. | News & Politics | Acid-attack survivors draw visitors from around the world to their cafe | 05.11.15 |
| 19. | Delta | Sheroes Hangout: A support community for acid attack victims | 26.12.15 |
| 20. | Catraca Livre | Coffee in India is managed by women victims of acid attack | 26.11.15 |
| 21. | Mashable India | Our visitors are mostly people from around the world who hear in the news | 05.11.15 |
| 22. | Your Story | Instead of succumbing to victimhood and staying in hiding, these women have decided to lead a normal respectable life and go to work | 04.09.15 |
| 23. | News 18 | After emerging as landmark in the city ‘Sheroes Hangout’ café has become a major attraction among tourists, who do not miss a chance to visit the place. | 11.12.15 |
| 24. | The Times of India | The initiative has not only given a new identity to the acid attackers, who are running the café, but is a major attraction among tourists, Indian as well as foreigners, who now make it a point to visit the hangout. | 10.12.15 |
| 25. | News 18 | Mark Zukerberg’s global team visits ‘Sheroes Hangout’ to spent time with acid attack survivors. | 02.12.15 |
| 26. | The Times of India | The Facebook page of Sheroes Hangout, which has about 700,000 likes, is one of the most popular cause profiles in India. | 01.12.15 |
| 27. | Firstpost | The Sheroes Hangout has attracted international notice, as to the victims, instead of surrendering to depression or seclusion, and initial hesitation to move out openly, are now working in a café and serving foreign tourists. | 21.09.15 |
| 28. | India TV | UP CM Akhilesh Yadav visits café run by acid attack victims in Agra, assures help | 27.12.15 |
| 29. | News 18 | Chhanv Foundation, an NGO that runs Sheroes Hangout Café will assist government department of Women and Child Development. | 09.11.15 |
| 30. | Business Standard | Acid attack survivors aim to take café success to other cities. | 22.09.15 |
| 31. | The Express Tribune | Indian café run by acid attack survivors offers empowerment, opportunity | 20.12.15 |
| 32. | All India Roundup | A café is working to change lives of acid attack victims | 03.09.15 |
| 33. | The Statesman | Acid attack survivors aims to take café success to other cities | 22.09.15 |
| 34. | The Times of India | Sheroes: Riding on foreign tourists’ goodwill | 15.09.15 |
| 35. | The Week | Sheroes Hangout looks like any other café, buzzing with visitors-foreigners and locals alike. | 18.10.15 |
| 36. | Live Mint | Rebuilding life after acid attack | 06.01.15 |
| 37. | Outlook | “Yet, with the guides having made the café a landmark of sorts: foreign tourists tickle in. Eric Cao from US says, “The place is great. I am comfortable here; it has made my travel in India more meaningful. | 01.12.14 |
| 38. | Mid-day | Sheroes is also a home of feminist library and aims to be a platform for promoting a new wave of feminism and give equal opportunities. | 10.12.14 |
| 39. | Times of India | The brand-new café has become the talk of the town in Agra | 31.10.14 |
| 40. | Hindustan Times | Agra Book Club reaches out to Sheroes. | 09.11.14 |
| 41. | The Times of India | Boston-based activist leads support to acid attack survivors. | 15.11.14 |
| 42. | The Hindustan Times | Ms. India Worldwide runner-up, Dr Shivangi Maletia reaches out to Sheroes | 17.11.14 |
| LUCKNOW | | | |
| 43. | EShe | This café chain set out to create jobs for acid attack survivors: It ended up changing many other lives. | 25.07.18 |
| 44. | Hindustan Times | Acid attack survivor realised her importance in life when she came to join Chhanv Foundation, which runs Sheroes Café. | 03.09.18 |
| 45. | The News Minutes | After Agra, Sheroes café in Lucknow offers acid attack victim hope | 21.03.16 |
| 46. | Hindustan Times | Café was set up realising that while it was important to talk about crime and prevention there wasn’t enough being done to help the women regain control of their lives. | 23.06.18 |
| 47. | The Hindu | Letting go of the painful past | 15.05.17 |
| 48. | Times of India | Chief Minister to inaugurate Sheroes Hangout Café | 07.03.16 |
| 49. | Pixr8 | A café and restaurant run by acid attack survivors in Lucknow | 03.09.18 |
| 50. | Patrika | Acid attack survivors got wings to their dreams |  |

1. Petitioner also won many awards and recognitions from India and across the world. The chart of the awards is set out herein below:

|  |  |  |
| --- | --- | --- |
| S.No. | Awards | Year |
| 1. | Nari Shakti Samman from President of India | 2017 |
| 2. | Bobs Award Deutsche Welle, Germany | 2016 |
| 3. | CNN-IBN Indian Award | 2013 |
| 4. | NDTV Indian Award | 2014 |
| 5. | International women of courage Award by US first lady, Michelle  Obama | 2014 |
| 6. | Femina Women’s Award | 2014 |

1. Petitioner has made a separate compilation of the newspaper clippings and awards.
2. After functioning successfully for 2 years the authorities realised the commercial value of the place where the café was functioning from and also of the name “Sheroes” hangout cafe. Acting malafide the authorities in connivance with private parties sought to take over the place and even the name Sheroes. The premises originally belonged to Lucknow Development Authority but have been handed over to Mahila Kalyan Nigam which comes under the Ministry of Women and Child Development, Government of U.P. The Minister in charge apparently worked out an arrangement with Lotus Hospitality to take-over the premises and the name Sheroes.
3. In August 2018 Lotus Hospitality began to telephone the employees at Sheroes offering them double salaries to join them. In response the acid attack survivors and petitioner gave press statements complaining about the interference. This was covered by Hindustan Times on 11.8.18 and the relevant part is as under:

“Reshma, a mother of six and an acid attack survivor associated with the famous Sheroes Cafe, was a happy-go-lucky lady until Monday evening when a few ‘musclemen’ barged into the cafe and ‘threatened’ her and the other staffers to vacate the place, saying they were going to be the new owners of the cafe.

Some of them said the café ownership would be handed over to them in about 25 days by when the tender process for the place would be complete

“We participated in the tender process along with three other firms. The employees of one of the three firms reached the cafe on Monday and told the staffers that they (firm) would soon get ownership of the café,” alleged Alok Dixit, founder member of Chhanv Foundation that runs the café.

The incident shocked Reshma, who said it would be no less than pushing them back into the trauma and agony they had struggled come out from.

“This cafe is our life. I don’t know the veracity of their (musclemen) claim. But what I know is that this cafe gave me a new life and purpose to live after I suffered an acid attack,” said Reshma, who is employed here since 2016 — the year the café, run by Chhanv Foundation (Stop Acid Attacks), opened in Lucknow”

1. In order to close down the petitioner’s café the authorities had to create a pretence that the café was not functioning properly and that there were many irregularities. Therefore, the State Monitoring Committee which, in accordance with the MOU, was to be constituted 2 years ago but was not constituted, was suddenly constituted on 6.9.18, called its first and only meeting on the same day, proceeded ex parte after giving the petitioner one day’s notice, made a series of baseless allegations against the petitioner and gave notice to the petitioner on 22.9.18 to close down the café within 3 days.

Points of Law of General Public Importance

1. Was the decision of the State to sponsor and start the Sheroes café at Lucknow not a clear indication that the State intended to do genuine rehabilitation of acid attack victims on a permanent basis and did it not give rise to a legitimate expectation on the part of the acid attack survivors that the enterprise they started and which became world famous would be continued in future and would not be arbitrarily closed down?
2. Can such a fundamental programme linked to the human rights of acid attack survivors be suddenly reversed due to a change in government? Can the reversal take place on the whims and fancies of a minister?
3. Was the State justified in saying in its vacate notice dated 22.9.18 that the Sheroes Café that had won the awards set out above and was reported in the media extensively, “there is no justification in running the café”?
4. When the acid attack survivors have themselves set up the world’s leading rehabilitation project where there is no government programme in the country to help survivors, was the State justified in closing down the Café while pretending to promise that the women would be given rehabilitation by government?
5. Was the State not at fault (i) in not setting up the State Monitoring Committee for 2 years after the MOU was signed, (ii) for not releasing grants for more than one and half year amounting to Rs. 45 lakhs, (iii) for paying the salaries of the acid attack survivors 9 months late (iv) for not utilising the funds available with Mahila Samman Kosh for the medical treatment of survivors and for looking after the children of survivors?
6. Was the State not acting arbitrarily and vindictively in, after defaulting for one and half year, setting up the State Monitoring Committee without the petitioner as required by the MOU, then proceeding ex parte without giving reasonable notice to the petitioner, then criticising the petitioner without a hearing and finally asking the petitioner to vacate without any genuine reason?
7. Was the State and the minister concerned not acting malafide in working out a private deal with “Lotus Hospitality” to take over the premises from “Sheroes” and to also appropriate the name “Sheroes” which is the brand of the petitioner and which has attained fame worldwide?
8. Instead of closing down the Café should the Sheroes model be made a model for the entire country and should this Hon’ble Court direct the Union of India and all States and Union Territories to set up similar initiatives in other states for acid attack survivors, rape survivors, trafficking survivors and other victims of social crimes?

The Petitioner

1. On the basis of MOU dated 20.12.16 between the petitioner and the respondent no. 2 (but with effect from March 2016) the petitioner began running a café for the Sheroes Hangouts Café for the rehabilitation and economic empowerment of women survivors of acid attacks. In a very short while it became a very popular café for acid attack survivors and for social workers, media persons and other supporters of acid attack survivors. The petitioner who ran the café is a well-known registered NGO whose objective is to bring positive change in the lives of acid attack survivors and to create awareness against acid attacks.
2. The founder members of Chhanv Foundation are pioneers like Laxmi Agarwal, who is an acid attack survivor and a "crusader for change" for her fight to bring a tougher law to curb acid attacks on women. In 2006, Laxmi filed a Criminal Writ Petition (Cr.WP No. 129 of 2006) in the Supreme Court demanding that it should take steps, similar to those in Bangladesh, to criminalize acid attacks and restrict over-the-counter sale of acids.  Laxmi’s petition was instrumental in bringing the grievances of acid attack survivors and vulnerable sections of women to the forefront which led the Supreme Court to hold the central and state governments for their inaction. This forced the government to respond and act immediately on acid sale, compensationand rehabilitation etc.   
   Other founder members include Mr. Alok Dixit & Mr. Ashish Shukla, prominent activists who are continuously working & doing the advocacy towards the issue of acid attack prevalent in country.
3. That the petitioner organization has won various awards and honors including the “Nari Shakti Samman” conferred by the Hon’ble President of India, Shri Pranab Mukerjee on 8th March 2017 on the occasion of International Women’s Day. Petitioner has also received Bobs Award in Deutsche Welle, Germany, 2016 for Stop Acid Attack Campaign under social change category. Sheroes Hangouts Café’s Stop Acid Attack campaign also won “The Indian of the year award in CNN-IBN Indian of the year in 2013 followed by “NDTV Indian of the year, 2014.   
   Director Laxmi Agarwal, founder also received International women of courage Award, 2014 by US first lady, Michelle Obama. Petitioner has also received Femina Women’s Award, 2014. Few of the major celebrities across the country who have supported the cause include John Abhraham, Dia Mirza, Salman Khan, Amir Khan, Sona Mahapatra, Kalki, Sanjay Dutt & Divya Dutta to name a few.
4. That MHA data for 2014 indicates that there were 282 acid attacks in all the States. The majority of acid attacks were in the States of Uttar Pradesh (185), Madhya Pradesh (53) and Gujarat (11). Stop Acid Attack campaign, which was initiated as an advocacy project in Delhi decided to work in UP to rehabilitate the survivors of acid attacks. Agra cafe was the pilot model with aim to rehabilitate acid attack survivors.
5. That, Sheroes Hangouts Café & Reach out Centre was started in December, 2014 through crowd funding in Agra within stop acid attack campaign. It was run by acid attack survivors to spread message to society that they are more than how they look. It gained popularity within a year. Café started with 4 girls and currently, its strength is at 10. Café in itself is a one-point centre which includes providing job, medical care, legal help, education, childcare and all other measures necessary for rehabilitation and integration of acid attack survivors into mainstream society.

The Café

1. That Sheroes Hangouts Café successfully exhibited a model where acid attack survivors could be rehabilitated into mainstream society with social acceptance and job. The model does not require any qualification on part of survivors. The petitioner organization analyses the abilities of survivors and train them accordingly so that they can work at café. The efforts caught attention of various politicians, activists and media.
2. That on 20/09/2015, Shri Akhilesh Yadav, the then CM of UP visited the café and met survivors. He was impressed by the initiative and saw potential of the initiative to cater to demands of acid attack victims across UP. He immediately invited Chaanv Foundation to Lucknow for running it as model project through Rani Laxmi Bai Mahila Samman kosh under “Innovative project scheme”.

The MOU

1. That, petitioner and respondent no. 2 entered into a Memorandum of Understanding (hereinafter referred to as “MoU”) dated 20/12/2016(at Annexure P-1 at page \_\_\_ to \_\_\_) which was supposed to get signed before 08/03/2016. Therefore, there is no clear date from which the duration of MoU can be ascertained.
2. The respondents did not keep to their side of the agreement and created many hurdles in the functioning of the café and ultimately proposed to close down the café and handover the premises for commercial use. Thus, the respondents issued tender dated 8.5.18 for this purpose. This was challenged by the petitioner in Writ Petition MISB 26455 of 2018 before the Allahabad High Court. However, the petitioner received information that the tender was scrapped by the respondents. Therefore, though the petition is still pending it appears that the petition has become infructuous.
3. It appears that the State after having failed to set up a State Monitoring Committee for a period of 2 years, suddenly formed a State Monitoring Committee, failed to place the petitioner as a member of that Committee and with undue haste called a meeting ignoring the request of the petitioner that only one day’s time was given to attend the meeting, did not inform the petitioner about the agenda for the meeting, rejected the request of the petitioner that the meeting be adjourned for a short while to enable the petitioner to attend, and then finalised an ex parte report dated 6.9.18. This report is at Annexure P-2 (at page no \_\_\_ to \_\_\_\_)

Notice to Vacate

1. Petitioner then received letter dated 22.9.18 at Annexure P-3 ( at page no \_\_\_ to \_\_\_\_) hereto stating as under:

“we wish to inform that under chairmanship of Additional Chief Secretary, State Monitoring Committee was constituted to consider the issue regarding management of Sheroes Hangout Café. It was decided on meeting convened on 06/09/2018 that there is no justification to run café anymore and all the acid attack survivors currently serving at café, who are also residing at Nigam’s shramjivi women’s hostel Sitapur Road, Lucknow free of cost be allowed to stay in hostel and through cooperation of Rashtriya Kaushal Vikas Mission and SRCWC, they be rehabilitated and trained in trade of their interest.

Regarding the abovementioned, you are expected that all the charge of property/goods/tools etc belonging to Café Unit, Gomti Nagar, Lucknow be handed over to Committee members formed under Project Manager, Shri Rahul Sinha by 29/09/2018”.

1. Petitioner therefore filed Writ Petition MISB 28424 of 2018 and on the very first date, the impugned order was made.

Grounds

Petitioner Not Placed on The State Monitoring Committee

1. Clause 27 of the MOU between the parties dated 20.12.16 is as under:

27.1 A Committee will be constituted for all the related decisions (Financial, management, monitoring etc.) regarding proper functioning of Café, under the chairmanship of Principal Secretary, Women & Child Development Department, Government of Uttar Pradesh which will meet initially once every 15 days and subsequently as per intervals as decided,

27.2The jurisdiction of aforesaid committee are as follows:

(a) Planning activities for the empowerment of acid

attack survivors like reconstructive surgery, treatment, skill development etc.

(b) Deciding rates for use of Café premises for various activities (except rates of menu)

27.3The other members of the Committee will be as following:

i. Managing Director- UP Mahila Kalyan Nigam

ii.Finance Controller- Department of Women Welfare

Government of Uttar Pradesh

iii. Authorised representative of CHAANV Foundation

iv. One prominent public citizen as decided by the

Chairman of the Committee.

1. This Committee was never formed for 2 years after the MOU was signed. A representative of the petitioner was never placed on the Committee. Then the Committee was suddenly formed and without giving the petitioner a chance to attend the first and only meeting of the Committee and without hearing the petitioner’s point of view, a resolution was passed to close down the café.

Inadequate Time to Attend

The State Monitoring Committee Meeting.

1. That a State Monitoring Committee was supposed to be constituted under chairmanship of principal secretary, women and child development department, govt. of UP with effect from 08.03.2016. This State Monitoring Committee was crucial to the project as Para 27(1) of MoU stipulated meetings regarding the operation of café & other welfare activities of the victims like the salary hikes, treatments schedules after 15 days initially and then to be fixed accordingly. But in the absence of the committee things were affected to such an extent that four acid attack survivors Sudha, Babita, Shanti & Pramodini left the jobs & rest are still waiting for any measures to be taken through meeting on their treatments & compensations.
2. That, instead of constituting the monitoring committee to decide upon the renewal of MoU, respondent no. 2 abruptly issued notice of tender for running of this café dated 8th May, 2018. Surprisingly, petitioner never received any official communication regarding advertisement of tender or regarding renewal of the café.
3. That petitioner received letter dated 01/09/2018 from respondent no. 2 regarding formation of State Monitoring Committee. Petitioner was required to nominate a member for State Monitoring Committee as per MoU.
4. That petitioner is an organization which requires resolution to pass any order and nominating someone for State Monitoring Committee would also require such resolution. It is pertinent to note that no deadline was stipulated in such letter.
5. That on 05/09/2018, petitioner was asked to send nominated member to attend meeting of State Monitoring Committee to be held on 06/09/2018. Petitioner expressed inability to attend such meeting on such a short notice and asked for some reasonable time in order to be present for the meeting through nominated representative. The relevant parts of the petitioner’s letter dated 5.9.18 is set out herein below:

“It is to inform that organisation has been given very less time regarding meeting due to which it is not possible for any authorised representative to participate mainly due to reason that Shri Alok Dixit has high viral fever and is on bed rest whereas second director Shri Ashish Shukla has left for New Delhi for a talk at Maulana Azad Medical College on Teacher’s Day. Since it may take more than a week for Alok to fully recover, it is humbly requested that the meeting be postponed after 17th September, 2018.”

1. That however, State Monitoring Committee was formed without nominated member from petitioner. The meeting was convened on 06/09/2018 and decided on various issues including renewal of MoU. This resolution of the State Monitoring Committee dated 6.9.18

Decision Of The State Malafide

1. The decision of the State is malafide and the details are as under:
2. In the oral discussions with the Petitioner it was indicated by the Authorities that the café would be run for a period of 30 years with the 2 year contracts extended from time to time.
3. When the Sheroes café became very popular and an important landmark in the city of Lucknow, commercial interests began to eye the premises and sought to take over the premises. The malafides went to such an extent that the authorities together with certain vested interests even thought of running a café using the name “Sheroes”. This is found in para 23 of the proceedings of the State Monitoring Committee wherein it is stated as under:

“Apart from above, this fact was also brought to the notice of the committee that in view of completion of two years as per agreement executed between Chhanv Foundation and Nigam and violation by organisation of conditions laid down in agreement executed to manage the Cafe, a decision has been taken on a proposed resolution no. 86/6 proposed during 86th meeting of Directors of Nigam dated 28.12.2017 that management of Sheroes cafe to be done by Nigam itself. In this course, for rehabilitation and economic upliftment of acid attack victim women, an advertisement was published in daily newspapers dated 08.05.2018 inviting expression of interest by voluntary organisations/ firms to manage the Cafe. Nigam received proposals from 4 firms in this regard, out of which one was Chhanv Foundation, but Chhanv Foundation had not annexed bank draft of earnest money as per condition mentioned in advertisement and hence, their proposal was rejected and the selection committee in order to select suitable organisation among the proposals, has selected M/S Lotus Hospitality, Noida as found appropriate, but no MoU has been executed with the organisation as of now."

Thus, the real reason for closing down Sheroes is to give the café to a commercial enterprise, appropriate the name of Sheroes and generate considerable profits for a private party called Lotus Hospitality. This is what resulted in a tender of the State government which led to litigation where the petitioner filed Writ Petition No. 26455 of 2018 in the Allahabad High Court which is pending but no progress has been made with the tender.

Writ Petition 26455 of 2018

1. Opposing the action of the State in commercialising the Sheroes café and allowing the takeover of the same by a commercial entity petitioner filed the abovementioned writ petition. A copy of which is at Annexure P-4 (at page No \_\_\_\_\_ to \_\_\_\_). In this petition the petitioner sought quashing of the invitation of the tender (proposal with respect of expression of interest) dated 8.5.18 A perusal of this advertisement shows that the brand name which belongs to the petitioner organisation was sought to be appropriated by the authorities in connivance with a private party. The petitioner runs another café called “Sheroes Hangout” at Agra and this has become world famous. Petitioner has prepared a compilation of all the media reports in respect of the Sheroes café at Agra and Lucknow showing that the Sheroes Café had attained world fame. This is the core reason why the authorities and a private party are determined to take over the Sheroes Café in Lucknow.
2. After the petition was filed challenging the tender, it was scrapped. The matter remains pending in the Allahabad High Court.

Writ Petition 28424 of 2018

1. Petitioner then filed the present writ petition to quash the ex parte proceedings of the Monitoring Committee dated 6.9.18, the notice to vacate dated 22.9.18 for a direction to the authorities to release the remaining funds of Rs. 45 lakhs with interests, for a direction to the respondents to allow the petitioner to continue the café, for a direction for the reconstitution of the State Monitoring Committee and for a direction to the state to make the acid attack victims government employees. A copy of which is at Annexure P-5 (at page No \_\_\_\_\_ to \_\_\_\_).

The conclusions of the State Monitoring Committee are perverse

1. Petitioner has prepared a chart of the allegations of irregularities as set out by the Committee ex parte and the response of the petitioner. This is at Annexure P-6 (at page no \_\_\_ to \_\_\_)

LIST OF DATES & EVENTS

|  |  |
| --- | --- |
| DATES | EVENTS |
| 2014 | Petitioner is a Non-Government Organization registered under Companies act as company limited by shares under name and style of “Chaanv Foundation”. The objective of NGO is to create awareness against acid attacks and also work as onepoint Centre for acid attack victims. The organization runs “Stop Acid Attack Campaign” and works relentlessly to bring change in lives of acid attack survivors. It includes a network of more than 100 acid attack survivors. |
| Dec, 2014 | Sheroes Hangouts café & Reach Out Centre was started in Dec, 2014 through crowd funding in Agra under the “Stop Acid Attack Campaign”. It was run by acid attack survivors to spread message to society that they are more than how they look. It gained popularity within a year. Café started with 4 girls and currently, its strength is at 10. Café in itself is a one-point centre which includes providing job, medical care, legal help, education, childcare and all other measures necessary for rehabilitation and integration of acid attack survivors into mainstream society. |
| 20.09.2015 | Mr. Akhilesh Yadav, the then Chief Minister of UP visited the Sheroes Hangouts café at Agra and met survivors. He was impressed by the initiative and saw potential of the initiative to cater to demands of acid attack victims across UP. He immediately invited Chaanv Foundation to Lucknow for running it as a model project through Rani Laxmi Bai MahilaSammankosh “Innovative project scheme”. Rani Laxmi Bai MahilaSammankosh Yojana was a new scheme launched by state government in 2015-16 to provide medical and educational help for women and girl child under the U.P. state women empowerment mission. |
| 14.10.2015 | Pursuant to the meeting with Chief Minister, Uttar Pradesh, petitioner submitted proposal project model to the Respondent no. 2 for running Sheroes Hangout Café at Lucknow. The proposal consisted structural overview of the model which included number of staff, establishment tools, costs, kitchen requirements etc. and also gave overview of financial model which was divided in three phases.The proposal of the model café required 2 years of government aid, which was fixed at Rs 4.10 lakh per month to be paid by the state Government in quarterly measures of Rs 12.30 lakh along with the establishment cost. After 2 years, café model was expected to generate surplus profit, thus not requiring any government aid thereafter. |
| 20.12.2016 | Petitioner and respondent no. 2 entered into Memorandum of Understanding (hereinafter referred to as “MoU”) dated 20/12/2016 which was supposed to get signed before 08/03/2016. Therefore, there is no clear date from which the duration of MoU can be ascertained.  The MoU was entered with the objective that the café would be run by survivors. The MoU would be under supervision of department of women and child development, UP in collaboration with Chaanv Foundation for the empowerment of acid attack survivors under the flagship of MahilaSammanKosh. Respondent no. 2 is a partner agency in this MoU which has also been assigned some responsibilities and functions on their part. It also works as regulatory body. The objective is empowerment of acid attack survivors. However, respondent no. 2 never performed their duties and some omissions on their part caused hindrance in smooth functioning of café. True typed copy of the MoU between Chhanv Foundation and Mahila Kalyan Nigam is marked and annexed hereto as P/1 at page(\_\_\_ to\_\_\_\_\_\_) |
| 01.08.2016 | That even though the initial proposal for Lucknow café model project was made keeping in view the already functional café of Agra which had only 5 survivors working. However, after physical possession of café at Lucknow, petitioner realized that the space allocated at Lucknow was larger than Agra and hence, a revised proposal was sent which stipulated intake of 12 acid attack survivors in the café. No reply whatsoever was given with regard to such revised proposal but since MoU gives autonomy to petitioner for hiring, 12 acid attack survivors were hired for running of the café. However, such hiring resulted in distribution of salaries among 12 survivors meant for 5 survivors which put them at monetary loss. |
| 27/10/2016 | That respondent no. 2 was authority to release the money on quarterly basis amounting to 12.30 lakhs to petitioner but petitioner only received three instalments amounting to total of 24, 05,000/-. Since then, petitioner has not received any further aid. Thereafter, instead of releasing funds, respondent no. 2 on its own started releasing salaries of the acid attack survivor in arbitrary manner.  That a State Monitoring Committee was supposed to be constituted under chairmanship of principal secretary, women and child development department, govt. of UP. The State Monitoring Committee was crucial to the project as Para 27(1) of MoU stipulated meetings regarding the operation of café & other welfare activities of the victims like the salary hikes, treatments schedules after 15 days initially and then to be fixed accordingly. But in the absence of the committee things were affected to extent that four acid attack survivors Sudha, Babita, Shanti &Pramodini left the jobs & rest are still waiting for any measures to be taken through meeting on their treatments & compensations. |
| 2017-18 | The model café project also received “Nari Shakti Puruskar by Women and Child Development, Government of India in 2016.That petitioner has also released impact report of the Sheroes hangouts café model at Lucknow |
| 08.05.2018 | Respondent no. 2 abruptly issues notice of tender for running of model project café and invited expression of interest. Surprisingly, petitioner never received any official communication regarding advertisement of tender or regarding renewal of the café. |
| 01.09.2018 | Petitioner receives letter from respondent no. 2 asking for nominating a member for formation of State Monitoring Committee. |
| 05.09.2018 | Petitioner receives intimation from respondent no.2 regarding meeting of State Monitoring Committee on 06/09/2018. Petitioner expresses inability to attend meeting on such short notice and asks for extension of meeting date to 17/09/2018 or any other suitable date |
| 06.09.2018 | Despite giving insufficient time to petitioner, meeting of State Monitoring Committee was convened and decided not to renew the MoU between respondent no. 2 and petitioner. Such meeting is illegal and biased without taking any representation from petitioner |
| 20.09.2018 | Proceedings of such meeting by State Monitoring Committee were sent to petitioner. The meeting further indicates that the tender is withdrawn and the acid attack survivors will be trained under Rashtriya Kaushal Vikas Mission. A translated and typed copy of proceedings of State Monitoring Committee is marked and annexed hereto as P/2 at page(\_\_\_ to\_\_\_\_\_\_) |
| 22.09.2018 | A letter asking petitioner to vacate café premises by 29/09/2018 was sent. Such letter was received by petitioner on 26/09/2018. A translated and typed copy of letter/order to vacate is marked and annexed hereto as P/3 at page(\_\_\_ to\_\_\_\_\_\_) |
| Sept,18 | The petitioner filed Writ Petition vide MISB 26455 of 2018 before Hon’ble High Court for quashing of tender dated 8th May, 2018. The matter was put up before Hon’ble Court on the said date and Counsel for respondent no. 2 prayed for and was granted 10 day time to seek instructions A translated and typed copy of W.P.(MISB) 26455 of 2018 is marked and annexed hereto as P/4 at page(\_\_\_ to\_\_\_\_\_\_) |
| Sept,18 | The petition W.P.(MISB) 28424 of 2018 concerning the matter was filed in the of High Court of Judicature at Allahabad, Lucknow Bench Sitting at Lucknow. A translated and typed copy of W.P.(MISB) 28424 of 2018 is marked and annexed hereto as P/5 at page(\_\_\_ to\_\_\_\_\_\_) |
| Sept,18 | Petitioner prepares a chart wherein point wise response to all the allegations of proceedings of State Monitoring Committee are given. A typed copy of such chart is marked and annexed hereto as P/6 at page(\_\_\_\_\_\_to\_\_\_\_\_\_) |
| 28.09.2018 | The High Court of Judicature at Allahabad, sitting at Lucknow Bench passed the order on the very first hearing that the petitioner should vacate the place by 22/09/2018. This petition impugns this order. |
|  | Hence the present writ petition. |

IN THE SUPREME COURT OF INDIA

[SCR ORDER XXI, RULE 3 (1) (a)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. of 2018

[Under Article 136 of the Constitution of India]

(Arising out of Impugned Interim Order dated 28.9.18 of the Hon’ble High Court of Judicature at Allahabad, Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018)

(With Prayer for Interim Relief)

IN THE MATTER OF:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sl. No. | Between | | Before High Court | Before this Court |
| 1. | Chhanv Foundation  Through its Director, Ashish Shukla  S/o Bijendra Shankar Shukla  R/o 152/2, D S N Road, A B Nagar,  Dakchini, Unnao, UP 209801 | | Petitioner | Petitioner |
| VERSUS | | | | |
| 1. | State of Uttar Pradesh  Through Chief Secretary,  Department of Women and Child Development  Lucknow, Uttar Pradesh | Respondent No. 1 | | Contesting Respondent no. 1 |
| 2. | Uttar Pradesh Mahila Kalyan Nigam  Through Managing Director, 16-A, Ashok Marg, Dist.-Lucknow. | | Respondent No. 2 | Contesting Respondent no. 2 |
| 3. | Lucknow Development Authority  Pradhikaran Bhawan, Vipin Khand, Gomti Nagar Lucknow | | Respondent No. 3 | Contesting Respondent no. 3 |
| 4. | Department of Women and Child Development  Through its Principal Secretary  Government of Uttar Pradesh  Lucknow, Uttar Pradesh | | Respondent No. 4 | Contesting  Respondent no. 4 |

TO:

THE HON’BLE CHIEF JUSTICE AND HIS LORDSHIPS

COMPANION JUSTICES

SUPREME COURT OF INDIA.

MOST RESPECTFULLY SHOWETH:

1. This petition impugns the order dated 28.08.2018 of High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018. By this order the Hon’ble High Court refused to grant stay on the Writ Petition without giving any reasons whatsoever which is reproduced herein:

"In pursuance of the order dated 22.9.2018 wherein the petitioner has been ask to vacate the cafe premises till 29.9.2018 it is directed that date is extended till 22.10.2018"

1A. The Petitioner states that no LPA lies against the impugned order.

1. QUESTION OF LAW:

Petitioners raised an important point of law of general public importance:

1. Was the decision of the State to sponsor and start the Sheroes café at Lucknow not a clear indication that the State intended to do genuine rehabilitation of acid attack victims on a permanent basis and did it not give rise to a legitimate expectation on the part of the acid attack survivors that the enterprise they started and which became world famous would be continued in future and would not be arbitrarily closed down?
2. Can such a fundamental programme linked to the human rights of acid attack survivors be suddenly reversed due to a change in government? Can the reversal take place on the whims and fancies of a minister?
3. Was the State justified in saying in its vacate notice dated 22.9.18 that the Sheroes Café that had won the awards set out above and was reported in the media extensively, “there is no justification in running the café”?
4. When the acid attack survivors have themselves set up the world’s leading rehabilitation project where there is no government programme in the country to help survivors, was the State justified in closing down the Café while pretending to promise that the women would be given rehabilitation by government?
5. Was the State not at fault (i) in not setting up the State Monitoring Committee for 2 years after the MOU was signed, (ii) for not releasing grants for more than one and half year amounting to Rs. 45 lakhs, (iii) for paying the salaries of the acid attack survivors 9 months late (iv) for not utilising the funds available with Mahila Samman Kosh for the medical treatment of survivors and for looking after the children of survivors?
6. Was the State not acting arbitrarily and vindictively in, after defaulting for one and half year, setting up the State Monitoring Committee without the petitioner as required by the MOU, then proceeding ex parte without giving reasonable notice to the petitioner, then criticising the petitioner without a hearing and finally asking the petitioner to vacate without any genuine reason?
7. Was the State and the minister concerned not acting malafide in working out a private deal with “Lotus Hospitality” to take over the premises from “Sheroes” and to also appropriate the name “Sheroes” which is the brand of the petitioner and which has attained fame worldwide?
8. Instead of closing down the Café should the Sheroes model be made a model for the entire country and should this Hon’ble Court direct the Union of India and all States and Union Territories to set up similar initiatives in other states for acid attack survivors, rape survivors, trafficking survivors and other victims of social crimes?
9. Was the Hon’ble Allahabad High Court reasonable in directing the petitioners to vacate within 3 weeks without any reasoning?

3. DECLARATION IN TERMS OF RULE 3(2):

The Petitioner states that no other petition seeking leave to Appeal has been filed by them against the impugned interim order dated 28.9.2018 in Writ Petition MISB No. 28424 of 2018 passed by the Hon'ble High Court of Judicature at Allahabad, Sitting at Lucknow

4. DECLARATION IN TERMS OF RULE 5:

The Petitioner states that the Annexures P/1 to P/7 along with the SLP are true copies of the pleadings/documents which formed part of the records of the case in the Court below against whose order the leave to appeal is sought for in this petition.

5. GROUNDS:

The SLP Appeal is sought for on the following among other grounds which are without prejudice to one another:

* + - 1. BECAUSE, Sheroes Hangout Café is rehabilitative scheme and not corporate scheme. The only objective is to achieve sustainable model for rehabilitation of acid attack workers.
      2. BECAUSE, since the very beginning, petitioner was called upon to showcase a model which would serve as example for reintegration of acid attack survivors in the mainstream society. It was done at behest of then CM of UP, Akhilesh Yadav and the model was expected to run after 2 years without aid.
      3. BECAUSE, agreement between respondent no. 2 and petitioner was in nature of MoU. The agreement was in furtherance of proposed model provided by petitioner which was not limited to 2 years, but a model which subsequently desired self-sustainability after 2 years. The model was supposed to serve as an example of café which would yield profits after 2 years and also benefit acid attack survivors.
      4. BECAUSE, there was legitimate expectation that the project would continue even after 2 years, without further government aid and emerge as a successful model catering to the needs of acid attack survivors.
      5. BECAUSE, the grant of 12.30 lakhs quarterly has not been released after two quarters which has affected the functioning and put petitioners in huge debt. Despite this, petitioner has continued with the café.
      6. BECAUSE, if the funds are not released by respondent no. 2, petitioner would not be able to achieve the objective of making the project model café self sustainable.
      7. BECAUSE, formation of State Monitoring Committee is illegal and arbitrary since MoU clearly provides that petitioners were to be part of such State Monitoring Committee. There was no reason for showing such urgency where ample opportunity was not provided to petitioner to represent themselves and be part of such State Monitoring Committee.
      8. BECAUSE, proceedings of State Monitoring Committee are clearly biased as they level allegations against petitioner without any source of evidence. Petitioner has been blamed for omissions where respondent no. 2 were responsible like opening of joint bank account and signing of stock register.
      9. BECAUSE, there is no reasonable explanation and justification as to why petitioners were informed just a day before regarding meeting of State Monitoring Committee.
      10. BECAUSE, there is no reason as to why the meeting of State Monitoring Committee could not be convened on 17/09/2018 or any other date as requested by petitioner.
      11. BECAUSE, the café does not only provide them job but also cater to their need and care required for rehabilitation and reintegration in society. The petitioner keeps empowering them through various workshops and training sessions to boost their confidence.
      12. BECAUSE, That the acid attack survivors working at café have been traumatized and jeopardized because of the actions of respondent no. 2 without even taking their advice. Most of the acid attack survivors have relocated in hope of rehabilitation and now they are insecure about their job and future. The Hon’ble Apex Court in Parivertan Kendra vs Union of India [(2016) 3 SCC 571] dated 07/12/2015 has specifically dealt with the part where acid attack survivors find it hard to find jobs and reintegrate and rehabilitate into society. Para 17 of judgment is as follows:

“Considering the plight of the victim we can sum up that:

The likeliness of the victim getting a job which involves physical exertion of energy is very low. The social stigma and the pain that she has to go through for not being accepted by the society cannot be neglected. Furthermore, the general reaction of loathing which she would have to encounter and the humiliation that she would have to face throughout her life cannot be compensated in terms of money. As a result of the physical injury, the victim will not be able to lead a normal life and cannot dream of marriage prospects. Since her skin is fragile due to the acid attack she would have to take care of it for the rest of her life. Therefore, the after care and rehabilitation cost that has to be incurred will have huge financial implications on her and her family.”

* + - 1. BECAUSE, acid attack survivors are in dire need of such model projects which would provide them enabling environment and also cater to their needs pertaining to legal cases, compensation claims, education, job, medical expenses and rehabilitation into mainstream society.
      2. BECAUSE, the petitioner has not failed in discharge of its duties and there has there has been no violation which could justify as ground for not renewing the MoU.
      3. BECAUSE, the petitioner have received “Nari Shakti Samman” from Hon’ble President of India, Pranab Mukherjee in the year 2016 for Sheroes Hangouts Café apart from various national and international awards. Respondent no. 2 also speaks highly of this model project on website and other documents.
      4. BECAUSE, no roadmap has been formulated for the rehabilitation of acid attack survivors after closing the café.
      5. BECAUSE, the impugned order of High Court of Allahabad, Lucknow Bench, Sitting at Lucknow is without any reason.
      6. BECAUSE, the impugned order of High Court asking petitioner’s to vacate within 3 weeks but listing the case after 4 weeks for further hearing is without any reason and there was undue haste in passing the order.

6. GROUNDS IN SUPPORT OF INTERIM RELIEF

1. BECAUSE, the petitioner has been asked to vacate within 3 weeks while the case has been listed after 4 weeks for further hearing.
2. BECAUSE, the future of acid attack survivors running the café is in jeopardy once it is shut down as per impugned order of Hon’ble Allahabad High Court
3. BECAUSE, the acid attack survivors working at café have right to livelihood
4. BECAUSE, the impugned order of High Court of Allahabad, Lucknow Bench, Sitting at Lucknow is without any reason.
5. BECAUSE, the impugned order of High Court asking petitioner’s to vacate within 3 weeks but listing the case after 4 weeks for further hearing is without any reason and there was undue haste in passing the order.

7. MAIN PRAYER

In the facts and circumstances stated herein above, it is most respectfully prayed that Your Lordships may be pleased to:

1. Grant the Special Leave to Appeal against the impugned interim order dated 28.9.18 in Writ Petition MISB No.28424 of 2018 passed by Hon’ble High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow
2. For any other order or direction that this Hon’ble Court may deem fit and appropriate in the interest of justice.

8. INTERIM PRAYER

In the facts and circumstances stated herein above, it is most respectfully prayed that Your Lordships may be pleased to:

1. For stay and quashing of impugned interim order dated 28.9.18 in Writ Petition MISB No.28424 of 2018 passed by Hon’ble High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow
2. For stay and quashing of the notice/letter dated 22.09.2018 asking the petitioner to vacate the premises of Sheroes Hangout Café.
3. For any other order or direction that this Hon’ble Court may deem fit and appropriate in the interest of justice.

AND FOR THIS ACT OF KINDNESS, PETITIONER AS IN DUTY BOUND SHALL EVER BE GRATEFUL.

DRAWN ON:

DRAWN BY: MOHD AMAN KHAN

FILED ON:

Filed by:

(Satya Mitra)

Advocate of Petitioner

IN THE SUPREME COURT OF INDIA

[SCR ORDER XXI, RULE 3 (1) (a)]

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2018

[Under Article 136 of the Constitution of India]

(Arising out of Impugned Interim Order dated 28.9.18of the Hon’ble High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018)

(With Prayer for Interim Relief)

Chaanv Foundation …Petitioners

VERSUS

State of Uttar Pradesh and ors. …Respondents

AFFIDAVIT

I, Ashish Shukla S/o Bijendra Shankar Shukla, aged about 25 years r/o 152/2, D S N Road, A B Nagar, Dakchini Unnao, Uttar Pradesh, presently at New Delhi, do hereby solemnly affirm and state on oath as under:

1. That I am the authorised Direction of Chaanv Foundation, Petitioner in the accompanying S.L.P. and I am well conversant with the facts of circumstances of this case and hence competent to swear this Affidavit.

2. That I have read and understood the contents of the accompanying Special Leave Petition (Pages \_\_\_to\_\_\_\_ ) , Para to statement of dates and facts (Pages \_\_\_to\_\_\_\_ ) and Interlocutory Application (S) have been drawn by my Advocate under my instructions and I have read and understood the contents thereof which are true to the best of my knowledge and belief and nothing material has been concealed.

3. That the Annexures to the Special Leave Petition are true and correct copies of the respective originals.

4. That the Petitioner has not filed any other or similar application before this Hon'ble Court.

DEPONENT

VERIFICATION

Verified at New Delhi on this the \_\_\_ th day of October , 2018 that the contents of Para \_\_\_ to \_\_\_ of the above Affidavit are true and correct to my knowledge and belief, that no part of it is false and that nothing material has been concealed there from.

DEPONENT

# IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD LUCKNOW BENCH, LUCKNOW

# CIVIL MISC. WRIT PETITION (MISB) No. 28424 of 2018

MEMO OF PARTIES

Chaanv Foundation

Through its Director,

Ashish Shukla

S/o Bijendra Shankar Shukla

R/o 152/2, D S N Road, A B Nagar,

Dakchini, Unnao, UP 209801

(Advocate for petitioner: Suyash Manjul/Mohd Aman Khan,

Address: TF 1, Narinjan Apartment,

Ashok Nagar, Allahabad (UP) … Petitioner.

## Versus

1. State of Uttar Pradesh

Through Chief Secretary

Department of Women and Child Development

Lucknow, Uttar Pradesh

(Advocate for Respondent no. 1:

Counsel for State, High Court Compound, Lucknow)

1. Uttar Pradesh Mahila Kalyan Nigam

Through Managing Director,

16-A, Ashok Marg, Dist.-Lucknow

(Advocate for Respondent no. 2:

Krishna Mohan, High Court Compound, Lucknow

Contact: 9140591306)

1. Lucknow Development Authority

Pradhikaran Bhawan,  
 Vipin Khand, Gomti Nagar  
 Lucknow

(Advocate for Respondent no. 3:

Ratnesh Chandra, High Court Compound, Lucknow)

1. Department of Women and Child Development

Through its Principal Secretary

Government of Uttar Pradesh

Lucknow, Uttar Pradesh.

(Advocate for Respondent no. 4:

Counsel For State, High Court Compound, Lucknow)

…Respondents

Filed by:

(Satya Mitra)

Advocate of Petitioner

IN THE SUPREME COURT OF INDIA

[SCR ORDER XXI, RULE 3 (1) (a)]

CIVIL APPELLATE JURISDICTION

I A No.\_\_\_\_\_\_\_\_\_\_\_\_ of 2018

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2018

[Under Article 136 of the Constitution of India]

(Arising out of Impugned Interim Order dated 28.09.18 of the Hon’ble High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018)

(With Prayer for Interim Relief)

IN THE MATTER OF

Chaanv Foundation. ... petitioner

Versus

State of Uttar Pradesh and ors ...Respondents

**Application for exemption from filing certified**

**copy of the impugned order**

To,

|  |  |
| --- | --- |
| HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF SUPREME COURT OF INDIA |  |
|  | HUMBLE PETITION OF THE PETITIONER HEREIN |

Most respectfully showeth:

1. By way of the instant SLP, the petitioner has challenged the interim order dated 28.09.18 passed by Hon’ble High Court of Judicature at Allahabad, Lucknow Bench Sitting at Lucknow in Writ Petiiton (MISB) No. 28424 of 2018. The contents of the accompanying SLP is not repeated herein for the sake of brevity and the same may be read as part of this application as well.
2. The impugned order was passed by Hon’ble High Court of Judicature at Allahabad, Lucknow Bench Sitting at Lucknow, on 28.09.18 and the same was uploaded on the website of the Hon’ble Allahabad High Court. However, for the urgency of filing of this instant petition, the petitioner could not apply and get the certified copy of the impugned order.
3. The copy of the impugned order has been obtained from the official website of the Hon’ble Bombay high Court and the petitioner has no reasons to believe that the same is different from the certified copy of the order.
4. The petitioner undertakes to obtain and file the certified copy of the impugned order as and when the same is supplied to the petitioner.
5. This application is made in the interest of justice.

**PRAYER**

1. Hence, in view of the facts and circumstances explained above, it is prayed before this Hon'ble Court as under:
   1. For an order exempting the petitioner from filing the certified copy of the impugned order.
   2. For any other order or direction that this Hon'ble Court may deem fit and appropriate in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER BE GRATEFUL.

Place: New Delhi SATYA MITRA

Filed on: (Advocate for petitioner)

IN THE SUPREME COURT OF INDIA

[SCR ORDER XXI, RULE 3 (1) (a)]

CIVIL APPELLATE JURISDICTION

I A No.\_\_\_\_\_\_\_\_\_\_\_\_ of 2018

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2018

[Under Article 136 of the Constitution of India]

(Arising out of Impugned Interim Order dated 28.09.18 of the Hon’ble High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018)

(With Prayer for Interim Relief)

IN THE MATTER OF

Chaanv Foundation. ... petitioner

Versus

State of Uttar Pradesh and ors ...Respondents

**Application for permission to file translated copies of Annexures: P/2 and P/3**

To,

|  |  |
| --- | --- |
| HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF SUPREME COURT OF INDIA |  |
|  | HUMBLE PETITION OF THE PETITIONER HEREIN |

Most respectfully showeth:

1. By way of the instant SLP, the petitioner has challenged the interim order dated 28.09.18 passed by Hon’ble High Court of Judicature at Allahabad, Lucknow Bench Sitting at Lucknow in Writ Petiiton (MISB) No. 28424 of 2018. The contents of the accompanying SLP is not repeated herein for the sake of brevity and the same may be read as part of this application as well.
2. That Annexures P2 and P3 are record before Hon’ble High Court of Judicature at Allahabad, Lucknow Bench Sitting at Lucknow, vide Writ Petition (MISB) No. 28424 of 2018 in Hindi Language.
3. The translated English typed copy of Annexures P2 and P3 have been translated by petitioner.
4. This application is made in the interest of justice.

**PRAYER**

1. Hence, in view of the facts and circumstances explained above, it is prayed before this Hon'ble Court as under:
   1. For an order granting permission to file translated copies of Annexures P2 and P3.
   2. For any other order or direction that this Hon'ble Court may deem fit and appropriate in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER BE GRATEFUL.

Place: New Delhi SATYA MITRA

Filed on: (Advocate for petitioner)

IN THE SUPREME COURT OF INDIA

[SCR ORDER XXI, RULE 3 (1) (a)]

CIVIL APPELLATE JURISDICTION

I A No.\_\_\_\_\_\_\_\_\_\_\_\_ of 2018

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2018

[Under Article 136 of the Constitution of India]

(Arising out of Impugned Interim Order dated 28.09.18 of the Hon’ble High Court of Judicature at Allahabad, Lucknow Sitting at Lucknow in Writ Petition (MISB) 28424 of 2018)

(With Prayer for Interim Relief)

IN THE MATTER OF

Chaanv Foundation. ... petitioner

Versus

State of Uttar Pradesh and ors ...Respondents

**Application for permission to file a lengthy synopsis and list of dates and events**

To,

|  |  |
| --- | --- |
| HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF SUPREME COURT OF INDIA |  |
|  | HUMBLE PETITION OF THE PETITIONER HEREIN |

Most respectfully showeth:

1. By way of the instant SLP, the petitioner has challenged the interim order dated 28.09.18 passed by Hon’ble High Court of Judicature at Allahabad, Lucknow Bench Sitting at Lucknow in Writ Petiiton (MISB) No. 28424 of 2018. The contents of the accompanying SLP is not repeated herein for the sake of brevity and the same may be read as part of this application as well.
2. The Synopsis and List of Dates filed with the accompanying petition exceeds 25 pages the facts and circumstances involved are complex and require detailed narration.
3. As a mitigating factor, the balance of convenience lies in favour of the applicant and she has every likelihood of succeeding in the present petition, and so this application is made bonafide and in the interest of justice.
4. This application is made in the interest of justice

**PRAYER**

1. Hence, in view of the facts and circumstances explained above, it is prayed before this Hon'ble Court as under:
   1. For an order granting permission file lengthy synopsis and list of dates and events in the accompanying petition.
   2. For any other order or direction that this Hon'ble Court may deem fit and appropriate in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER BE GRATEFUL.

Place: New Delhi SATYA MITRA

Filed on: (Advocate for petitioner)

High Court of Judicature at Allahabad, Lucknow Bench, Sitting at Lucknow

Court No. - 5   
Case :- MISC. BENCH No. - 28424 of 2018   
Petitioner :- Chaanv Foundation Thru Director Ashish Shukla   
Respondent :- State Of U.P. Thru Prin.Secy.Women & Child Development & Ors   
Counsel for Petitioner :- Suyash Manjul,Aman Khan,Rishabh Kapoor   
Counsel for Respondent :- C.S.C.,Krishna Mohan,Ratnesh Chandra   
  
Hon'ble Shabihul Hasnain,J.   
Hon'ble Rajan Roy,J.

Heard Sri Aman Khan, Advocate holding brief of Sri Suyash Manjul, learned counsel for the petitioner as well as Sri Krishna Mohan, Advocate for opposite party no.2, Sri Shobhit Mohan Shukla, learned counsel for opposite party no.3 and the learned Addl. C.S.C.

Let a detailed counter affidavit may be filed within 4 weeks.

List thereafter.

In pursuance to the order dated 22.9.2018 wherein the petitioner has been asked to vacate the Cafe premises till 29.9.2018, it is directed that dated is extended till 22.10.2018.

Order Date :- 28.9.2018   
A.Nigam