



A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29978 of 2025

(In the matter of an application under Articles 226 and 227 of the Constitution of India)

Agastya Das

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

Appeared in this case:-

For Petitioner

:

Ms. Sagarika Sahoo, Advocate

For Opposite Parties

:

Ms. J. Sahoo,
Learned Additional Standing
Counsel

CORAM:

JUSTICE A.C. BEHERA

JUDGMENT

Date of hearing : 26.11.2025 / date of judgment : 23.12.2025

A.C. Behera, J. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for directing the Opposite Parties for changing his name and gender in the Mutation Certificate vide Annexure-4 issued by the Opposite Party No.2 from “Swagatika Das as grand-daughter” to “Agastya Das as grandson.”



2. The factual backgrounds of this writ petition, which prompted the petitioner for filing the same is that, as per order dated 26.03.2021 passed in W.P.(C) No.8177 of 2021 by this Court, the Director of Estate, General Administration Department, Government of Odisha, Bhubaneswar (Opposite Party No.2) mutated the land vide Plot No.01 measuring 1/12th of an acre for an area of 70 feet x 55 feet corresponding to Revenue Plot No.62, Khata No.2129 in Mouza-Goutam Nagar, Unit-VIII, Bhubaneswar through an Order No.19089/CA Bhubaneswar dated 22.07.2021 in favour of the legal heirs of the deceased lessee Santwana Das, i.e., Jana Kalyan Das, Jana Jagruti Das, Mukta Das, Swagatika Das (petitioner), Shravani Das, Nandita Priyadarsini Das and Jana Jyoti Das as per Annexure-4. The name of the petitioner was indicated in Sl. No.4 of the Annexure-4 as Swagatika Das.

3. Subsequent thereto, the petitioner diagnosed with "Gender Dysphoric Syndrome" undergoing "*Laparoscopic Assisted Vaginal Hysterectomy with Bilateral Salphingo Oophorectomy*", i.e., a surgical procedure, to remove uterus, cervix, fallopian tubes and ovarian 'SRS Stage'I, Bilateral



Mastectomy and Nac Grafting’, breasts, at Appollo Cosmetic Clinic, Chennai on dated 07.01.2019 and after aforesaid successful surgical intervention, a certificate vide Annexure-5 series were issued in favour of the petitioner and accordingly, the gender of the petitioner was changed from female to male.

4. In pursuant to the surgery, the petitioner applied for certificate as per Rule-6 of The Trans-gender Persons(Projection of Rights) Rules, 2020 and Section 7 of The Transgender Persons(Protection of Rights) Act, 2019 before the District Magistrate, Cuttack.

After making due enquiry, the District Magistrate, Cuttack issued a certificate in favour of the petitioner certifying that, the petitioner has undergone medical intervention, i.e., SRS and the petitioner has changed his gender from female to male, for which, he is entitled for changing his name and gender in all official documents. Accordingly, the District Magistrate, Cuttack issued identity card as per law vide Annexure-6 series indicating the name of the petitioner as “Agastya Das” and his gender as “male.”



On the basis of the certificate and the identify card issued by the District Magistrate, Cuttack in favour of the petitioner as per Annexure-6 series, the petitioner applied before different authorities for changing his name and gender in the documents, such as, PAN Card, Passport, Aadhar Card and accordingly, in the said documents his name was changed from “Swagatika Das” to “Agastya Das” and his gender was changed from “female” to “male”. The changed Pan Card, Passport and Aadhar VCard of the petitioner are also included in Annexure-6 series. The petitioner has made a Notification in the gazette of Tamil Nadu State on dated 02.11.2023 in Tamil Nadu Gazette declaring his changed name from “Swagatika Das” to “Agastya Das” and he has also made a paper publication on dated 02.11.2023 about the same in Annexure-8 series.

5. Thereafter, the petitioner made a representation on dated 19.09.2025 before the Director of Estate, General Administration Department, Government of Odisha, Bhubaneswar(Opposite Party No.2) requesting him for changing his name and gender in Sl. No.4 of the mutation certificate vide Annexure-4 from “Swagatika Das” to



“Agastya Das” and also for changing his gender reflected therein from grand-daughter to grandson, but, the Opposite Party No.2 did not accept his representation. For which, he (petitioner) sent the same through email, but, the said email was bounced back with noting “recipient inbox full”.

6. Then, without getting any way, the petitioner approached this Court by filing this writ petition under Articles 226 and 227 of the Constitution of India, 1950 praying for a direction to the Opposite Parties for changing his name and gender in Sl. No.4 of the mutation certificate vide Annexure-4 from “Swagatika Das” to “Agastya Das” and his status as grand-daughter to grandson, on the basis of his undergoing re-assignment surgery, certificate, PAN Card, identity card and Aadhar Card issued by the District Magistrate, Cuttack and other competent authorities as per Annexure-6 series in his favour.

7. I have already heard from the learned counsel for the petitioner and learned Additional Standing Counsel for the State.



8. The law relating to the protection, safeguard, development, security of the trans-genders and the duty of the courts towards them like the petitioner as per law has already been clarified by the Apex Court in the ratio of the following decisions:-

(i) In a case between ***National Legal Services Authority (NALSA) vrs. Union of India*** : reported in ***2014(2) Civil Law Times-248*** that, If a person has changed his/her sex in the tune with his/her gender characteristics and perception, which has become possible, because of the advancement in medical science and when that is permitted by in medical ethics with no legal embargo, there is no impediment in legal or otherwise in giving due recognition to the gender identity based on the re-assign sex after undergoing SRS.

Even in absence of any statutory regime in this country, a person has a Constitutional right to get the recognition as male or female after SRS, which was not only his/her gender characteristics, but, has become his/her physical form as well.

By recognizing such transgenders as third gender, they would be able to enjoy their human rights, to which, they are largely deprived of for want of this recognition.

Therefore identification becomes very essential component, which is required for enjoying civil rights by this community.

It is only with this recognition that, many rights attached to the sexual recognition as 'third gender' would be available to this community more meaningfully, viz, Right to



vote, right to own property, Right to marry, Right to claim of formal identity through a passport, Ration Card, driving license, right to education, Employment, Health so on.

Therefore, State and Center to grant legal recognition to their gender male/female.

(ii) In a case between ***Jane Kaushik vrs. Union of India(S.C.)*** decided in a ***Writ Petition(Civil) No.1405 of 2023 dated 17.10.2025*** that, guidelines formulated by the Apex Court directing the State and other authorities for the protection, safeguard, development and security of the transgenders, those were originally transgenders or those have changed their sex through surgical intervention.

9. Here, in this matter at hand, when as per Section 7 of the Transgender Persons(Protection of Rights) Act, 2019 and as per Rule-6 of the Trans-gender Persons(Protection of Rights) Rules, 2020, the District Magistrate and other authorities under law have issued certificate, identity card, PAN Card, Passport and Addhar Card in favour of the petitioner as per Annexures-5 and 6 series changing the name and gender of the petitioner from “Swagatika Das” to “Agastya Das” and his status from “Female” to “Male” and when, as per law, the petitioner has already been recognized as male and his name of as “Agastya Das” in the aforesaid official documents lawfully and when, all the Courts have their legal duties to pass orders for the



protection, safeguard, development, security of the transgender/persons, those change their characteristics through SRS like the petitioner for their over-all protection, safeguard, right to vote, right to own property, Right to marry, Right to claim a formal identity through a passport, Ration Card, driving license, right to education, Employment, Health and others, then at this juncture, by applying the principles of law enunciated by the Apex Court in the ratio of the aforesaid decisions to this writ petition at hand filed by the petitioner, I find no justification to disallow this writ petition filed by the petitioner.

Therefore, this writ petition filed by the petitioner is to be allowed and necessary directions can be issued to all the Opposite Parties specifically to the Director of Estate, General Administration Department, Government of Odisha, Bhubaneswar (Opposite Party No.2) for changing the name of the petitioner in Sl. No.4 of Annexure-4 from "Swagatika Das" to "Agastya Das" and his status therein from grand-daughter to grandson.

10. In result, the writ petition filed by the petitioner is allowed.



All the Opposite Parties including the Director of Estate, General Administration Department, Government of Odisha, Bhubaneswar (Opposite Party No.2) are directed for changing the name of the petitioner in Sl. No.4 of the Annexure-4 (Mutation Certificate) from “Swagatika Das” to “Agastya Das” and his status/gender therein from “grand-daughter” to “grandson” within a period of fifteen days from the date of production of certified copy of this judgment by the petitioner before the Opposite Party No.2 and to issue a changed / corrected mutation certificate stating the name of the petitioner in Sl.No.4 of Annexure-4 (Mutation Certificate) as “Agastya Das” and his status as grandson.

11. As such, this writ petition filed by the petitioner is disposed of finally.

(A.C. Behera)
Judge

Orissa High Court, Cuttack
The 23rd of December, 2025/ Jagabandhu, P.A.