

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5651 of 2020

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Ravi Kumar Singh, Advocate, Patna High Court (male, aged 31 years),
S/o Ram Lakhan Singh, Ward No.09, Near Takiya Gumti, Chandanpura
Mohalla Sasaram, Sasaram, Rohtas, Bihar-821115.

Petitioner

Versus

1. The Union of India through Home Secretary, Ministry of Home Affairs, Government of India, North Block New Delhi-110001.
2. The Union of India through Secretary, Ministry of Health & Family Welfare, Government of India, New Delhi-110001.
3. The State of Bihar through the Chief Secretary, State of Bihar, Government of Bihar, Patna.
4. District Magistrate, Sasaram, Rohtas-821115.
5. Executive Officer, Sasaram Nagar Parisad, District-Rohtas.

.....Respondents.

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Appearance:

For the petitioner : Mr. Ravi Kumar Singh (in person)

For the Respondent Nos.1 & 2 : Mr. S. D. Sanjay, Addl. S.G.
Mr. Ratnesh Kumar Singh, CGC

For the Respondent Nos. 3 to 5 : Mr. P. K. Verma, AAG-3
Mr. Saroj Kumar Sharma,
AC to AAG-3

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**CORAM: HONOURABLE THE CHIEF JUSTICE
AND
HONOURABLE MR. JUSTICE S. KUMAR**

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/
Hon'ble Judge through Video Conferencing from their residential offices/residences.
Also the Advocates and the Staffs joined the proceedings through Video Conferencing
from their residences/offices.)

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Oral Order

(Per: HONOURABLE THE CHIEF JUSTICE)

2. 12.05.2020

Heard the petitioner, who is appearing in person. Also heard Shri S.D. Sanjay, learned Additional Solicitor General of India assisted by Shri Ratnesh Kumar Singh, learned Central Government Counsel for the respondent nos.1 and 2 and Sri P. K. Verma, learned Additional Advocate General-III assisted by Shri Saroj Kumar Sharma, learned AC to AAG-3, for the respondent nos. 3 to 5.

Petitioner has prayed for the following reliefs:-

- (i) That this is an application on behalf of the petitioner for issuance of a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to direct the Respondent No.3 and 4 to strictly implement guideline issued by the Principal Secretary, Health Department, Government of Bihar, via letter no.5 dated 01.04.2020, for quarantine facilities amid the COVID-19 pandemic at Narayan Medical College and other centre in District-Rohtas.
- (ii) To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to direct the Respondent Authority to strictly adhere to the guideline issued by Ministry of Health and Family Welfare dated 11.03.2020 and Ministry of Home Affairs, Government of India dated 01.05.2020 with regard to containment zone and Red Zone in which district Rohtas has fallen and cases are surging at an alarming rate after the first case reported on 21.04.2020.



- (iii) To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to order the Respondent Authorities to put facility with an immediate effective to do aggressive testing which is key to fight against Covid-19.
- (iv) To issue a writ in the nature of mandamus or any other appropriate Writ(s), Order(s), Direction(s) to order the Respondent Authorities to identify more isolation and quarantine center as per the guideline issued by Ministry of Health and Family Welfare, as cases in the district is surging with alarming rate and if appropriate action is not taken in this regard it can cause huge loss to human life.
- (v) To issue a writ in the nature of mandamus to direct respondent No.5 for proper sanitization of the area of Sasaram on daily basis and also take step for cleanliness on regular basis as respondent no.5 has failed in their duty to do the basic thing and than can cause huge loss to human life and reason for the spread of the Covid-19.
- (vi) To issue a writ in the nature of mandamus to direct respondent to submit status report of Red Zone on daily basis to the High Court with regard to step taken to fight the Covid-19 in all the district of Bihar.
- (vii) Any other relief, which this Court deem, fit in the facts and circumstances of the case.

Shri S. D. Sanjay, learned Additional Solicitor General of India appearing for the Union of India (respondent nos.1 and 2) raises the issue with regard to the maintainability of the present petition in its form.

Shri P. K. Verma, learned Additional Advocate General-III appearing for the State of Bihar (respondent nos.3 to 5) clarifies that the



administration of District Rohtas, Bihar, has taken all steps ensuring that the isolation and Quarantine Centres, strictly adhere to the guidelines/norms/directions issued both by the Central Government as also the State Government.

At this stage, the writ petitioner, who is appearing in person, states that petitioner shall be content that if a direction is issued to the District Magistrate-cum-Collector, Rohtas (respondent no.4) to consider and decide the petitioner's representations dated 1st May, 2020 (Annexure-3) as also dated 25.03.2020 (Annexure-4) and liberty granted to file a fresh petition with better particulars, if so required and desired.

We allow such prayer of the petitioner and dispose of the petition on the following mutually agreed terms:-

- (i) The District Magistrate-cum-Collector, Rohtas, Bihar shall positively consider and decide the petitioner's representations (Annexure-3) dated 1st May, 2020 as also Annexure-4 dated 25th March, 2020 within next two working days.
- (ii) This he shall positively do while taking note of all the directions and instructions issued by the Central as also by the State Government with regard to containment centres required to be maintained under the present circumstances of COVID-19.
- (iii) We have not expressed any opinion on the merits of the matter, including maintainability of the present petition.



- (iv) All issues are left open. Liberty reserved to the writ petitioner to approach the Court on the same and subsequent cause of action if the need so arises.
- (v) The Registrar (Vigilance) shall ensure that copy of the order is supplied to all the learned counsel through electronic mode during the course of the day.
- (vi) Equally, it shall be open for any one of the parties to download the order from the Website of the High Court of Judicature at Patna.

The writ petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J.)

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