

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 27 of 2020**

- Suo Moto W P(P I L) Matter Relates With Covid-19 Coronavirus Pandemic

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Chief Secretary, Mantralaya, Nava Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Secretary, Department Of Health And Family Welfare, Mantralaya, Nava Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. Director General Of Police, State Of Chhattisgarh Police Head Quarter, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. The Union Of India Through The Secretary, Ministry Of Health, New Delhi, District : New Delhi, Delhi
5. Drug Controller General India, Cdsco, Fda Bhawan, New Delhi
6. Director,national Pharmaceutical Pricing Authority, Ymca Cultural Central Building, 5th/3rd Floor, New Delhi.
7. South East Central Railway Represented By General Manager Bilaspur, Chhattisgtarh
8. Airport Authority Of India Represented By Airport Director,raipur Airport, Raipur, Chhattisgarh.
9. State Legal Services Authority Represented By The Secretary Bilaspur, Chhattisgarh.

---- Respondent**WPPIL No. 28 of 2020**

- Right To Food Campaign Chhattisgarh Through Its Member Sangeeta Sahu D/o - Mayadhar Sahu, Aged About 30 Years, Office Address - H.No. 29, New Panchsheel Nagar, Katora Talab, Raipur,

District Raipur Chhattisgarh

2. Chhattisgarh Hawkers Federation, Through Its Member Vishavakarma Sharma, Aged About 40 Years, R/o - Adarsh Nagar, Camp-1, Bhilai, Police Station Chavani, District Durg Chhattisgarh
3. Jayendra Jha S/o - Bhuwaneshwar Jha Aged About 50 Years R/o - Rotary Nagar, Tatibandh, Police Station Amanaka, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Amarnath Pandey S/o - Late Brijraj Pandey Aged About 53 Years R/o - D-9, Babjee Residency, Shubham Vihar, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Chief Secretary, Government Of Chhattisgarh Mantralaya, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Secretary, Department Of Health And Family Welfare, Mantralaya, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Secretary, Department Of Women And Child Welfare, Mantralaya, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Secretary, Department Of Urban Administration And Development, Mantralaya, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Secretary, Department Of Revenue And Disaster Management , Mantralaya, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
6. Secretary, Food Civil Supplies And Consumer Protection Department, Mantralaya, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
7. Secretary, Department Social Welfare, Mantralaya, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
8. Secretary, Government Of India, Through Secretary Department Of Health And Family Welfare
9. Directorate Of Health Services, Government Of India, Raipur

Chhattisgarh

10. Director, Aiiims Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
11. Indian Council Of Medical Research, Through Its Senior Deputy Director, V. Ramlingan Swami Bhawan, Post Office Box No. 4911, Ansari Nagar, New Delhi - 110021

---- Respondent

WPPIL No. 29 of 2020

- Shivendra Pratap Singh S/o Shri Alakhram Aged About 29 Years R/o House No. 527, Block No. 42-A, Abhilasa Parisar, Bilaspur, Chhattisgarh, Permanent R/o Village Umeshwarpur, Janapad Panchayat Premnagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. Government Of India Through Secretary, Ministry Of Rural Development Department, Krishi Bhavan, Dr. Rajendra Prasad Road New Delhi. 110001, District : New Delhi, Delhi
2. State Of Chhattisgarh Through Chief Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Additional Commissiner Mahatma Gandhi National Rural Employment Guarantee Council, (Mgnregc), Second Floor, Block-Ii, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPPIL No. 30 of 2020

- Shivnath Keharwani S/o Ramlakhan Kesharwani Aged About 47 Years R/o Rohini Vihar, Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Home Department, Mahanadi Bhawan, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director General Of Police Director General Of Police Chhattisgarh. Police Headquarters, Raipur Chhattisgarh. 492001, District : Raipur, Chhattisgarh
3. Superintendent Of Police Office Of The Superintendent Of Police, Tilak Nagar, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Collector Collectorate Office, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent**WPPIL No. 31 of 2020**

- Amiyakant Tiwari S/o Shri Yashwant Tiwari Aged About 41 Years Occupation, Advocate, R/o High-01, D/10, Abhilasha Parisar, Behind New Bus Stand, Tifra, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Secretary Home Department Mahanadi Bhawan, Mantralaya New Raipur Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director General Of Police Police Head Quarter Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Collector Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Superintendent Of Police Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Shri Surendra Swarnakar Town Inspector, P.S. Tarbahar Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
6. The State Human Rights Commission Through Secretary, Raipur,

District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPPIL No. 34 of 2020

1. Balram Prasad Dewangan S/o Late Chhotelal Dewangan Aged About 43 Years R/o Ward No. 11, Kabirdas Nagar, Near Qatar Tank, Sirgitti, Bilaspur District Bilaspur 495004., District : Bilaspur, Chhattisgarh
2. Harish Chandra Sahu S/o Jannu Lal Sahu Aged About 27 Years R/o Kalikanagar, Near New Bus Stand, Tifra, Bilaspur, District Bilaspur., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh (Attached With Wppil 27/2020) Through The Secretary, Urban Administration And Development Department, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Urban Administration And Development Department, Indravati Bhawan, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Collector District Bilaspur., District : Bilaspur, Chhattisgarh
4. Collector District Raipur., District : Raipur, Chhattisgarh
5. Collector District Balod., District : Balod, Chhattisgarh
6. Collector District Baloda Bazar., District : Balodabazar-Bhathapara, Chhattisgarh
7. Collector District Balrampur., District : Balrampur, Chhattisgarh
8. Collector District Bastar., District : Bastar(Jagdalpur), Chhattisgarh
9. Collector District Bemetara., District : Bemetara, Chhattisgarh
10. Collector District Bijapur., District : Bijapur, Chhattisgarh
11. Collector District Dantewada., District : Dantewada, Chhattisgarh

12. Collector District Dhamtari., District : Dhamtari, Chhattisgarh
13. Collector District Durg., District : Durg, Chhattisgarh
14. Collector District Gariaband., District : Gariyabandh, Chhattisgarh
15. Collector District Jagdalpur., District : Bastar(Jagdalpur), Chhattisgarh
16. Collector District Janjgir Champa., District : Janjgir-Champa, Chhattisgarh
17. Collector District Jashpur., District : Jashpur, Chhattisgarh
18. Collector District Kabirdham., District : Kawardha (Kabirdham), Chhattisgarh
19. Collector District Kanker., District : Kanker, Chhattisgarh
20. Collector District Kondagaon., District : Kondagaon, Chhattisgarh
21. Collector District Korba., District : Korba, Chhattisgarh
22. Collector District Koriya., District : Koriya (Baikunthpur), Chhattisgarh
23. Collector District Mahasamund., District : Mahasamund, Chhattisgarh
24. Collector District Mungeli., District : Mungeli, Chhattisgarh
25. Collector District Narayanpur., District : Narayanpur, Chhattisgarh
26. Collector District Raigarh., District : Raigarh, Chhattisgarh
27. Collector District Rajnandgaon., District : Rajnandgaon, Chhattisgarh
28. Collector District Sukma., District : Sukuma, Chhattisgarh
29. Collector District Surajpur., District : Surajpur, Chhattisgarh
30. Collector District Sarguja., District : Surguja (Ambikapur), Chhattisgarh

Shri Prafulla Bharat, Advocate appears as Amicus Curiae.

Shri SC Verma, Advocate General with Shri Chandresh Shrivastava, Deputy Advocate General.

Shri B. Gopakumar, Assistant Solicitor General for Union of India.

Shri Ashish Shrivastava, counsel for the Chhattisgarh State Legal Services Authority.

Shri Abhishek Sinha, Shri YS Thakur, Smt. Meena Shastri, Shri AS Kachhawaha, Shri Anand Mohan Tiwari, Shri Gautam Khetrapal, Shri Devershi Thakur, Shri Faiz Kazi, Shri Amiyakant Tiwari in person, Ms. Rajni Soren, counsel for the respective parties.

**Hon'ble Shri Prashant Kumar Mishra &
Hon'ble Shri Goutam Bhaduri, JJ**

Order On Board

27/04/2020 :

WPPIL No. 27 of 2020

IA No.3/2020

1. This application has been filed for permission to intervene in the writ petition by one Shri Bhushan Prasad Tiwari, through his counsel Shri Gautam Khetrapal, Advocate.
2. At the outset, Shri Khetrapal would seek permission of the Court to withdraw the said application for the reason that similar prayer has been turned down by the Hon'ble Supreme Court in the pending PIL petitions.
3. Accordingly, the said application is disposed of as withdrawn.

IA No.5/2020

4. The letter written by Shri HB Agrawal, Senior Advocate has been marked as IA No.5/2020. Let Shri Agrawal supply copy of this application to learned amicus curiae. The State shall file reply to the said application filed by Shri HB Agrawal, Sr. Advocate. This application shall be taken up for consideration on the next date of

hearing.

IA No.6/2020

5. This application has been preferred by Shri Gautam Khetrapal, Advocate on behalf of intervener Shri Bhushan Prasad Tiwari seeking certain directions to the State Government in relation to the issues which arose on account of arrival of Tabliqui Jamat attendees in the State of Chhattisgarh. The issue was taken up on previous dates of hearing and certain directions were issued in compliance of which the Director General of Police has filed affidavit satisfying the Court about the steps taken for tracing out the attendees and the person who came into contact with such attendees. In view of the affidavit of the Director General of Police, this interim application has served its purpose. Therefore, it is disposed of

IA No.7/2020 and IA No.10/2020

6. This application has again been filed by Shri Bhushan Prasad Tiwari praying for a direction to the respondents to create online as well as offline bulletin providing details of Corona diagnosed patients as well as nearest testing centres. It is also prayed that the respondents be directed to provide details of steps taken in the religious accommodations/Dharamshala and the steps taken to enforce social isolation.
7. The first prayer concerning disclosure of identification of Corona diagnosed patients would in fact invade privacy of individual, as the medical or health history of individual cannot be put to public domain without consent of the individual. While dealing with invasion of privacy of individual, the Hon'ble Supreme Court in the matter of **K.S. Puttaswamy (Retired) and another Vs. Union of India and Another** {(2019) 1 SCC 1} has laid down the law in a very lucid manner, therefore, the prayer made is squarely hit by

the prohibition imposed on the State or the Court to take any such step which has the effect of invasion of individual's privacy. The first prayer is therefore rejected.

8. Insofar as the second prayer is concerned, in the previous hearings, the State has apprised the Court about the steps taken to de-crowd the religious places/Dharamshala. The learned Advocate General again assures that the State has banned crowding of religious places and in fact all religious places are not allowed to organize any such function which has the effect of violating social distancing norms. The second prayer has therefore been rendered infructuous. Accordingly, the application (IA No.7/2020) stands disposed of in the above terms.
9. The application (IA No.10/2020) preferred by Shri Devershi Thakur, Advocate making similar prayer is also disposed of in the above stated terms.

IA No.8/2020

10. This application has been filed for a direction to ensure strict compliance of lockdown regulations. Learned Advocate General would refer to Annexure-I filed with the said application to demonstrate that the documents itself refers to the steps taken by the Government after the lockdown violations came to the notice of the State authorities.
11. Learned Advocate General informs that the State machinery including the State police have been taking all possible measures to dissuade people from violating the lockdown regulations and action has been taken against all such individuals who have been found to be violating the lockdown regulations.
12. In view of the statement made by the Advocate General, no further order is necessary on this application. **IA No.8/2020** is accordingly disposed of.

IA No.9/2020 & WPPIL No.34/2020

13. The said PIL has been preferred by one Balram Prasad Dewangan & Another through his counsel Shri A.S. Kachhawaha, whereas IA No.9/2020 for intervention has been preferred by Shri Gary Mukhopadhyay, Advocate, both seeking quashment of communication dated 12.4.2020 issued from the office of Directorate of Urban Administration and Development Raipur, directing that any social service organization or donators who wish to provide ration to the needy people shall deposit the same with the district administration, who shall thereafter distribute the same amongst the needy persons. Shri AS Kachhawaha and Shri Gary Mukhopadhyay, learned counsel would argue that this blanket ban on distribution of food materials to the needy persons is creating difficulty rather than solving the problem of poor and hungry. Therefore, this communication deserves to be quashed.
14. We have heard learned counsel for the petitioners/interveners and learned Advocate General for some time and we are satisfied that the communication issued from the Directorate of Urban Administration and Development Raipur has an object sought to be achieved inasmuch as allowing social service organizations or individual donator to distribute food materials amongst the poor and hungry people may create problem for the administration to implement social distancing norms as well as to follow lockdown restrictions/regulations. However, at the same time, if social service organization or individual donator wishes to provide food materials to the needy and hungry people, the same should not remain unserved to the targeted members of the society. Therefore, the intervention application and the PIL are disposed of with an observation that whenever any social service organization or individual donator moves the district

administration with a request to provide food material to any needy person or group of needy persons, the same shall be properly attended to by the concerned State Agency.

15. Accordingly, the application (IA No.9/2020) and **WPPIL No.34/2020** are disposed of.

IA No.11/2020

16. This application has been preferred by Shri Rajesh Ranjan Sinha through his counsel Shri Faiz Kazi, Advocate for a direction to the State Government to arrange transport for the students who are stuck in Kota, Rajasthan.
17. Learned Advocate General informs that all such students belonging to the State of Chhattisgarh who were stuck and stranded at Kota, Rajasthan and were willing to return to the State are being brought back through special buses.
18. In view of the statement made, prayer made in the application (IA No.11) has been rendered infructuous. It is therefore dismissed as infructuous.

IA No.12/2020 and IA No.13/2020

19. This application has been filed by one Sukant Verma through his counsel Shri Yashwant Thakur.
20. Let the State file reply to this application.
21. In view of the above, IA No.13/2020 for urgent hearing stands disposed of.

IA No.15/2020, IA No.16/2020 & IA No.17/2020

22. This application has been preferred by one Vinod Malviya.
23. Let further details be provided by Shri Devershi Thakur, Advocate elaborating the facts stated in the application so that the issue can be dealt with effectively on the next date of hearing.
24. The said application shall be considered on the next date of hearing.

25. In view of the above, IA No.16/2020 for exemption from filing affidavit and IA No.17/2020, application for filing of undertaking stand disposed of.

ISSUE OF DEATH OF 12 YEARS OLD GIRL JAMLO MAKDAM

26. The Registry has received a letter written by Sahil Khan, a law student at JMI, New Delhi, resident of Ambikapur, Chhattisgarh, highlighting the issue of death of 12 years old girl Jamlo Makdam, who reportedly died of exhaustion and dehydration, as she was compelled to undertake 150 km long journey from Telangana to her home at Bijapur. The letter also requests to consider some other issues.
27. Let copy of this letter be supplied to the Advocate General and learned amicus curiae, as also Shri Ashish Shrivastava, learned counsel appearing for SLSA. The State as well as the SLSA shall file status report in respect of the said incident and steps taken to stop recurrence of such or similar incidents in future during the lockdown restrictions. This issue shall be taken up on the next date of hearing.

WPPIL No. 28 of 2020

28. Learned Advocate General seeks some more time to file return to the writ petition. He would categorically state that the food items are distributed to all individuals whether they are ration card holders or they are not holding ration card.
29. Considering the nature of relief prayed for in the writ petition and the documents filed along with the application dated 13.4.2020 for issuance of interim directions, it is directed that the State shall take all possible measures to reach out to the individuals who do not have ration card so that necessary food stuffs are distributed amongst such persons either through Gram Panchayat or through the Public Distribution System shops. Similarly, the State shall

file separate affidavit in respect of reduction of food items/ articles distributed to the students who are beneficiaries of mid day meal schemes and Aangan Badi Centres.

WPPIL No. 30 of 2020

30. Shri Faiz Kazi, learned counsel appearing for the petitioner seeks 12 weeks' time to file rejoinder.
31. Post the matter after 12 weeks.

WPPIL No. 31 of 2020

32. Shri Amiyakant Tiwari, petitioner in person would submit that the grievance raised in the writ petition has been remedied, as would be appearing on reading of contents of the return filed by the respondents No.1 to 4.
33. In view of the statement made by the petitioner, the writ petition appears to have been rendered infructuous. It is accordingly disposed of as infructuous.

WPPIL No. 29 of 2020

34. IA No. 6/2020 for taking documents on record is allowed.
35. Learned counsel for the petitioner prays for and is allowed one week time to file rejoinder.
36. Learned ASG is allowed 3 weeks' time to file return.
37. In the meanwhile, MGNREGA workers shall be provided wages and other facilities in accordance with the extant Government norms.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Goutam Bhaduri)
Judge