

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 106 of 2020

1. Ankur Tiwari S/o Mohan Murari Tiwari Aged About 26 Years R/o Shubham Vihar Mangla, Bilaspur, Tahsil & District Bilaspur (C.G.).

---- Petitioner

Versus

1. Union of India, through The Secretary, Department of Ministry of Home Affairs (MHA), Government of India, North Block, New Delhi.
2. State of Chhattisgarh, through the Secretary, Department of Home, Mantralaya, Mahanadi Bhawan, New Raipur, Atal Nagar, Police Station Rakhi, District Raipur (C.G.).
3. Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, New Raipur, Atal Nagar, Police Station Rakhi, District Raipur (C.G.).
4. Collector-Cum-District Magistrate, Bilaspur (C.G.).
5. Collector-Cum-District Magistrate, Raipur (C.G.).
6. Collector-Cum-District Magistrate, Raigarh (C.G.).
7. Collector-Cum-District Magistrate, Janjgir Champa (C.G.).

---- Respondents

For Petitioner	:	Shri Vivek Shrivastava, Advocate.
For Respondents	:	Shri S.C. Verma, A.G. alongwith Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Gautam Chourdiya

Order by Justice Prashant Kumar Mishra

28/10/2020

- 1) The matter is heard through video conferencing.
- 2) This PIL seeks following reliefs:-
 - i. That, this Honble Court may kindly be pleased to direct the respondent authorities to follow the guidelines issued by

the Government of India with regard to phased re-opening (Unlock) of the nation.

- ii. That, this Hon'ble Court may also kindly be pleased to direct the respondent State authorities before taking any decision with regard to lockdown etc. the same may be intimated to the Government of India and only after prior consultation with the Government of India they may proceed further, in accordance with law, guidelines issued by the Government of India from time to time and as per the provisions of the Disaster Management Act, 2005.
 - iii. Any other relief, which this Hon'ble Court deems fit and proper, may also kindly be granted, in the interest of justice.
- 3) The petitioner, a law student, has approached this Court against the lockdown notification issued by the District Magistrates of Raipur, Bilaspur, Raigarh and Janjgir-Champa on the ground that in view of Clause 4 of the guidelines for phased re-opening (Unlock 4) which is an annexure to the Central Government's order dated 29/08/2020, the respective District Magistrates were enjoined to declare lockdown only after prior consultation with the Central Government which has not been done in the instant case.
- 4) Shri Vivek Shrivastava learned counsel appearing for the petitioner would further contend that after issuance of lockdown notification the District Magistrates were bound to follow the steps as mentioned in Clause 3(ii) of the notification however the authorities have failed to undertake intensive contact tracing, house to house surveillance and other clinical intervention during the lockdown.
- 5) Having appreciated the submissions and on perusal of the Central Government's order dated 29/08/2020 together with the guidelines annexed with the order it appears petitioner's contention is not well founded. The requirement of prior consultation with the Central Government would arise only when

any State Government proceeds to impose lockdown outside the Containment Zones. In the case at hand, the District Magistrates of Raipur, Bilaspur, Raigarh and Janjgir-Champa have not declared any lockdown for any area outside the Containment Zones. The notifications issued by the above District Magistrates are in fact a notification to declare Containment Zones and thereafter to impose lockdown in such Containment Zones. Thus there being no lockdown outside the Containment Zones there is no violation of Clause 4 of Central Government's notification.

- 6) Shri S.C. Verma, learned Advocate General appearing alongwith with Shri Chandresh Shrivastava, learned Dy. Advocate General have informed that the steps mentioned in Clause 3(ii) of the Central Government notifications have been undertaken in all Containment Zones during the period when the notifications were operative. They would submit that during such lockdown intensive contact tracing and house to house surveillance were conducted.
- 7) In view of what has been discussed above we have not found that the District Magistrates have violated Clause 4 of the Central Government's notification nor Clause 3(ii) thereof has been violated, therefore, the writ petition filed in the nature of PIL have no substance.
- 8) Accordingly, the PIL deserves to be and is hereby dismissed.

-Sd/-
(Prashant Kumar Mishra)
Judge

-Sd/-
(Gautam Chourdiya)
Judge