

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL No. 50 of 2020 (O&M)

Date of decision:- 18.05.2020

Residents Welfare Association, Sector 10, Chandigarh

.....Petitioner

Versus

Union Territory, Chandigarh through Advisor to the Administrator, U.T.
Chandigarh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Akshay Bhan, Sr. Advocate with
Mr. Rajiv Joshi, Advocate, for the petitioner.

Mr. Pankaj Jain, Sr. Standing Counsel for U.T. Chandigarh.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of the learned counsel for the parties, the matter is being taken up and heard via video conferencing (Webex App software).

This petition has been filed by the Residents Welfare Association, Sector 10, Chandigarh, by way of public interest litigation against the decision of Chandigarh Administration i.e. the order dated 08.05.2020 (Annexure P-5) to lodge the Chandigarh residents returning from abroad at Hotel Mount View, Sector 10, Chandigarh.

Learned Senior counsel appearing for the association submits that the residents apprehend aggravation and spread of Covid-19 infection in Sector 10 in case the respondents are permitted to lodge the returnees in Hotel Mount View. It is submitted that on account of the fact that there would be movement of staff, inevitable contact between the staff and/or the returnees, the act of the respondents has put on risk the lives and health of the residents of Sector 10.

Learned senior counsel further submits that the respondent-authorities while issuing Standard Operating Protocol (SOP) and the order Annexure P-5 on 08.05.2020 has decided to lodge the returnees on priority basis in Hotel Mount View. It is submitted that several other hotels and accommodation(s) are available in non-residential areas of Chandigarh but the authorities ignoring all of them have issued the impugned order lodging the returnees coming from abroad on priority basis in Hotel Mount View. Thus, in such circumstances, necessary directions be issued to the authorities so that the lives and health of the residents of Sector 10, Chandigarh are protected.

Learned Senior Standing counsel appearing for the Union Territory, Chandigarh submits that the authorities have issued fresh SOP on 13.05.2020 in which the decision to lodge the returnees on priority basis in Hotel Mount View has been done away with. Further upon notices issues to all the hotels in the city, the administration has shortlisted four private hotels apart from the two government hotels i.e. Mount View and Shivalik View, who have given their willingness to accommodate the returnees for the purpose of lodging them during the 14 days period of quarantine. It is submitted that in new SOP the choice is left to the returnees according to their paying capacity to opt for the accommodation. It is submitted that accommodation in hotel Mount View is costlier while the other hotels are less expensive, and not just that even a provision has been made for those returnees who cannot afford expensive accommodation by providing facilities in Panchayat Bhawan and Panjab University hostels.

Having heard learned counsel for the parties it is observed that it is not in dispute that six returnees who have come from abroad have at present been allotted accommodation in Hotel Mount View, Sector 10, Chandigarh while the others are staying in various other hotels and accommodation since 11.05.2020.

Learned Senior Counsel appearing for the petitioner as well as learned Senior Standing Counsel appearing for Union Territory, Chandigarh have conjointly stated that the test reports of the persons staying in Hotel Mount View, Chandigarh have also been received and the same are negative. In such circumstances as the returnees coming from abroad have to be accommodated in quarantine centers for 14 days and as the authorities are not lodging any infected persons or patients in Hotel Mount View, Sector

10, Chandigarh, but only those who are mandatorily required to go in quarantine for a period of 14 days, and all other precautions in this regard are being taken, we do not find any reason to modify or interfere with the new SOP drawn by Chandigarh administration.

We are also of the considered opinion that in view of the modified SOP dated 13.05.2020 issued by the respondents wherein a mandatory requirement of lodging the returnees coming from abroad on priority basis in Hotel Mount View has since been done away with, the primary grievance of the petitioner association stands redressed.

In the circumstances, we do not find any reason to pass any further order at this stage. The petition is accordingly disposed of with liberty to the petitioner to approach the respondent-authorities in case any cause or situation arises in future.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.05.2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No