

§-5.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 2948/2020 and CM APPL. 10244/2020

MD. AKHTAR AND ANR. Petitioners

Through: Mr. M. Shoeb Alam, Mr. Ritesh Dhar
Dubey and Mr. Mojahid Karim Khan, Advocates

versus

GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Anuj Aggarwal, ASC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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23.03.2020

1. The present petition has been placed before us at 2:30 PM on urgent mentioning.
2. The two petitioners, who are both residents of Eidgah Old Mustafabad Camp, have sought directions to the respondents/Govt. of NCT of Delhi, to deploy a team of qualified doctors and public health officials for screening, testing and treating residents of Eidgah Old Mustafabad Camp, particularly, in the light of the Covid-19 pandemic in Delhi. The second relief prayed for is for issuing directions to the respondents/GNCTD to deploy sanitation workers for keeping up the hygiene of the camp and the adjoining areas so as to prevent spread of any infection and/or communicable/contagious diseases.

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3. Mr. Shoeb Alam, learned counsel for the petitioners submits that the petitioners and their family members have been housed at the Eidgah Old Mustafabad Camp since 02.03.2020, after violence had broken out in various places in North-East Delhi. Presently, the said Camp houses over 600 persons. He submits that the petitioners have been compelled to approach the Court for urgent relief in view of the poor health and sanitation conditions prevailing at the Camp, which is likely to result in the spread of Covid-19, besides other communicable/contagious diseases, fungal infection due to the damp surroundings and adversely impact the health of the petitioners and their family members besides other occupants of the Camp. Learned counsel refers to certain newspaper clippings that refer to the poor health conditions noted by a team of doctors, who are a part of a non-profit non-affiliated organisation working in the area.

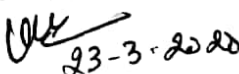
4. Issue notice.

5. Mr. Anuj Aggarwal, learned ASC, who appears on advance copy, accepts notice and states that the much larger issue, over and above what has been raised in the present petition, relating to the prevailing conditions at Camp site, is subject matter of W.P.(CRL.) 665/2020, that was listed before a Coordinate Bench on 20.03.2020 and is now adjourned to 24.03.2020, wherein the following orders have been passed:-

“Mr. Amit Mahajan, learned Central Government Standing Counsel appearing on behalf of the Union of India, Mr. Rahul Mehra, learned Standing Counsel (Criminal) appearing on behalf of the Government of NCT of Delhi, as well as, the Delhi Police (on instructions from Mr. Dineshji Tiwari, ACP, Court Cell, Police Headquarters), as well as, Mr. Abhinav S.

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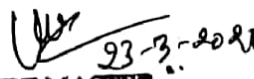
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Aggarwal, Additional Standing Counsel appearing on behalf of the East Delhi Municipal Corporation, state that, they will augment the efforts made by them towards rehabilitating the riot victims, including by taking further steps to address the following issues:-

- (i) Provisions of a Fire Engine, Ambulance and Mobile Toilets at the subject camps;*
 - (ii) Maintenance and upkeep of cleanliness (including cleaning of the drains)/hygiene and sanitation; and further enhancing essential public utilities, including provision of beds;*
 - (iii) Taking necessary steps to secure the health of the riot victims;*
 - (iv) Ensuring the availability of the Counsellors for the riot victims; and*
 - (v) Setting up of Three Additional Camps at Babu Nagar-25 Feet Road, Santosh Marriage Home-Mustafabad and Madarsa Babul Ulloom, Jafrabad.*
- List on 24th of March, 2020, before the Roster Bench.
Dasti under the signature of the Court Master."*

6. In view of the fact that all cases except for very urgent matters stand adjourned till 12.04.2020 and therefore, the captioned petition cannot be taken up on 24.03.2020, in the interest of justice, the respondents are directed to comply with all the directions issued in the captioned writ petition, in a time bound manner. The primary focus of the respondents/GNCTD should be with regard to the health of all those staying in the Camp site, particularly in the light of the Covid-19 pandemic. The sanitation condition of the area would also be of equal significance, for preventing spread of any communicable/contagious diseases, more so when we are informed that over 600 persons are residing in the said Camp.


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7. It is therefore directed that in the event the respondent/GNCTD has so far not set up any health facility in the Eidgah Old Mustafabad Camp equipped with doctors, public health officials, equipments etc. for emergency medication, then steps in this regard shall be taken at the earliest, preferably within two days from today. Govt. of NCT of Delhi shall ensure that a team of doctors and public health officials with sufficient medicines, adequate equipments etc. visit the Camp site within 48 hours.

8. Further, adequate sanitation workers with equipments shall be deputed at the Camp site, if not already deputed, for maintaining hygiene in the area and keeping the surrounding areas clean, to avoid any infection/contagious diseases. Needful shall be done forthwith. As East Delhi Municipal Corporation under whose jurisdiction the area in question falls, has not been impleaded by the petitioners in the present petition, a copy of this order shall be furnished by the respondent/GNCTD directly to the Deputy Commissioner of the area by tomorrow, for perusal and compliance.

9. The petition is disposed of alongwith the pending application.

DASTI to the parties under the signatures of the Court Master.

sd/-

HIMA KOHLI, J

sd/-

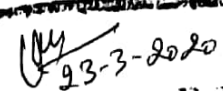
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