



**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

**Writ Petition (PIL) No. 27 of 2020**

Suo Moto WP (PIL) Matter relates with COVID-19 Corona virus Pandemic

**----Petitioner**

**Versus**

1. State of Chhattisgarh, through the Chief Secretary, Mantralaya, Nava Raipur, Chhattisgarh, District Raipur, Chhattisgarh.
2. Secretary, Department of Health & Family Welfare, Mantralaya, Nava Raipur, District Raipur, Chhattisgarh.
3. Director General of Police, State of Chhattisgarh, Police Headquarter, Raipur, District Raipur, Chhattisgarh.
4. The Union of India, Through the Secretary, Ministry of Health, New Delhi.
5. Drug Controller General of 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, Chhattisgarh.
8. Airport Authority of India, represented by Airport Director, Raipur Airport, Chhattisgarh.
9. State Legal Services Authority, represented by the Secretary, Bilaspur, Chhattisgarh.

**----Respondents**

**Writ Petition (PIL) No. 28 of 2020**

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



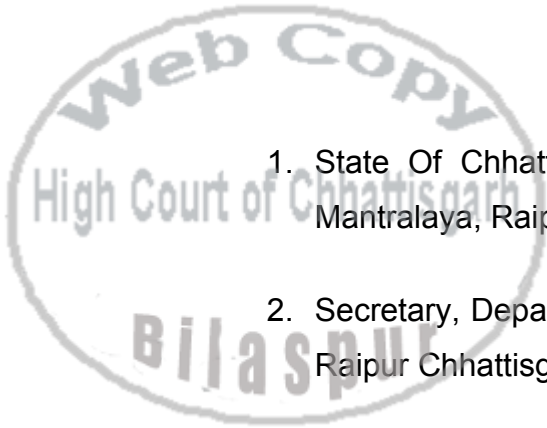
Panchsheel Nagar, Katora Talab, Raipur, District Raipur Chhattisgarh

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

---- Petitioners

**Versus**

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

---- Respondents

**Writ Petition (PIL) 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.

---- Petitioner

**Versus**

1. Government Of India Through Secretary, Ministry Of Rural Development Department, Krishi Bhavan, Dr. Rajendra Prasad Road New Delhi. 110001
2. State Of Chhattisgarh Through Chief Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, 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.

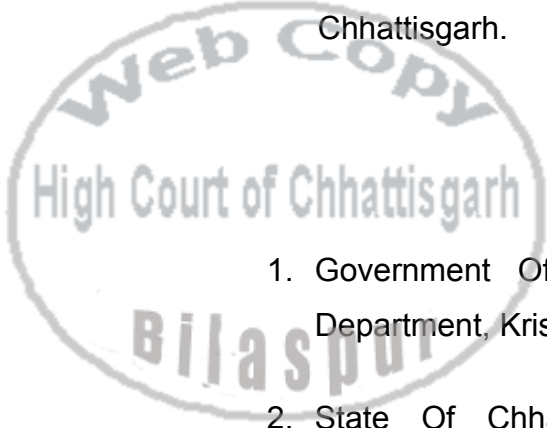
---- Respondents

**Writ Petition (PIL) No. 30 of 2020**

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

---- Petitioner

**Versus**





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

---- Respondents

**Writ Petition (PIL) No. 31 of 2020**

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

---- Petitioner

**Versus**

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

---- Respondents





**Writ Petition (C) No. 1026 of 2020**

Mamta Sharma W/o - Sanjay Sharma Aged About 53 Years R/o - New Rajendra Nagar, 34/A, Bajaj Colony, Sector-1, Police Station Rajendra Nagar, District Raipur Chhattisgarh

---- Petitioner

**Versus**

1. State of Chhattisgarh Through The Chief Secretary, Mantralay, Mahanadi Bhavan, Atal Nagar, Nava Raipur, Raipur Chhattisgarh
2. State of Chhattisgarh Through The Secretary, Department of Excise, Mantralay, Mahanadi Bhavan, Atal Nagar, Nava Raipur, Raipur Chhattisgarh
3. The Secretary, General Administrative Department, Mantralay, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
4. Managing Director, Chhattisgarh State Marketing Corporation Limited (CSMCL), Excise Building Fourth Floor, Chokra Nala, Labhandi, District Raipur Chhattisgarh
5. The Secretary, Department Of Health And Family Welfare, Mantralay, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

---- Respondents

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09/04/2020	<p>Shri Prafull N Bharat, Advocate appears as <i>Amicus Curiae</i>.</p> <p>Ms. Rajni Soren, Ms. Meena Shastri, Shri Faiz Kazi, Shri Amiya Kant Tiwari and Shri Rohit Sharma, Advocates for the respective Petitioners.</p> <p>Shri Satish Chandra Verma, Advocate General with Shri H.S.Ahluwalia and Shri Chandresh Shrivastava, Deputy Advocate Generals for the State.</p> <p>Shri B. Gopa Kumar, Assistant Solicitor General and Shri R.K.Kesharwani, Standing Counsel for the Union of India.</p>



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

Shri Abhishek Sinha, Advocate for the Respondent No. 5 {In WP(PIL) No. 31 of 2020}.

Shri Prateek Sharma and Shri Gautam Khetrapal, Advocates for the respective Intervenors.

These public interest litigations have been filed covering various aspects relating to the COVID-19 pandemic issues, therefore, we propose to pass one common order in the *suo moto* PIL already registered in this Court as WP(PIL) No. 27 of 2020.

In Writ Petition (PIL) No. 28 of 2020, preferred by the Right to Food Campaign Chhattisgarh & others, it is agitated that there are large number of persons who are without any ration cards, therefore, there is grave apprehension that they may not be getting supply of food materials for their survival. It is also argued that the hawkers and the vendors are not allowed to sell fruits and vegetables, though sale of such items are permitted during the lock-down period.

In Writ Petition (PIL) No. 29 of 2020, the petitioner-Shivendra Pratap Singh has raised an issue arising out of the Government's order dated 31.03.2020 directing commencement of such MNREGA works which does not necessitate congregation of individuals at one place.

In Writ Petition (PIL) No. 30 of 2020 and 31 of 2020, the Petitioners have raised issues concerning police atrocities during maintenance of law and order at the time of lock-down.



Writ Petition (C) No. 1026 of 2020 has been filed by one Mamta Sharma, challenging the Government's proposed action of opening of the liquor shops during the lock-down period.

Shri Prateek Sharma, the learned counsel has filed one intervention application in the original *suo moto* writ petition agitating the same issue concerning opening of the liquor shops.

Shri Gautam Khetrapal, learned counsel has filed intervention application seeking an order for release of children and women lodged in jail. He has also raised issue concerning non-testing of all such persons who have returned to the State of Chhattisgarh after attending the congregation of Tablighi Jamaat Markaz at Nizamuddin, New Delhi. Shri Khetrapal has informed the Court that out of 159 Tablighi Jamaat members who have returned to Chhattisgarh, only 107 persons have been tested out of whom, only 87 reports have been received, thus leaving 23 awaited test reports and 52 non-tested persons, who may be the cause of COVID-19 spread in the State of Chhattisgarh, if they are eventually found to be suffering from infection of the COVID-19.

Shri Satish Chandra Verma, the learned Advocate General alongwith Shri H.S.Ahluwalia and Shri Chandresh Shrivastava, Deputy Advocate Generals appearing for the State have informed the Court that in every District, appropriate measures have been taken for providing basic food items to the poor and needy people. According to him, free ration has been provided to almost 4,00,000 persons by the Government and another 4,15,000 persons by the civil society workers. He would submit that 13,00,000 masks have been distributed and food grains have been made available to each of the PDS



shops for the months of April and May, 2020. In respect of the problem of hawkers and street vendors of Anupam Garden locality which is raised in Writ Petition (PIL) No. 28 of 2020, he would submit that very near to the Anupam Garden Area of Raipur, a *Sabji Mandi* has been established which takes care of the supply of the fruits and vegetables for the locality.

Dealing with the issue concerning police atrocities, he informs the Court that the policeman so far identified to have worked in high handed manner has been line attached and departmental enquiry has been ordered against him. The learned Advocate General assures the Court that while seeking compliance of the lock-down guidelines, the police shall not be allowed to commit atrocities and work in high handed fashion. He would submit that appropriate orders in this regard have already been issued by the Director General of Police for the entire State.

Shri Abhishek Sinha, the learned counsel appearing for the Respondent No. 5 in Writ Petition (PIL) No. 31 of 2020, would submit that the writ petition is not maintainable as the individual who is the alleged victim of the atrocity has neither approached the Court nor authorised the Petitioner to file any such petition. He would submit that the alleged victim has already compromised the matter with the erring official as both the parties contributed to the situation which occurred at the time of happening of the incident.

Shri Ashish Shrivastava, the learned counsel for the Chhattisgarh State Legal Services Authority draws attention of the Court to Regulations 8, 9 and 13 of the Chhattisgarh Epidemic Disease, COVID-19 Regulations, 2020, to argue that for implementation of these particular Regulations, sufficient number of testing laboratories are needed, but at present, there are





only 2 laboratories, one at Raipur and the other at Jagdalpur. Both these locations are in the southern region of the State, therefore, it appears necessary that in the central and northern part of the State, namely at Bilaspur and Ambikapur, two more laboratories should be established for immediate testing of the suspects who might have been infected with COVID-19 virus. He also draws attention of the Court to clause 2(viii) of the Office Memorandum dated 16/17.03.2020 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions (DoPT) which calls for ensuring proper cleaning and sanitization of the work place, particularly of the frequently touched surfaces. According to him, proper sanitization of all such places which are frequently touched by the members of the public should be done on regular basis to avoid spread of COVID-19 virus. Shri Shrivastava would inform this Court that pursuant to the resolution of the High Powered Committee constituted under the orders of the Hon'ble Supreme Court, 1526 prisoners have been released from 33 Jails/Sub-Jails of the State. This has de-congested the Jails to a large extent which shall help in avoiding spread of COVID-19 virus.

In Writ Petition (C) No. 1026 of 2020, Shri Rohit Sharma, the learned counsel for the Petitioner and Shri Prateek Sharma, the learned counsel for the Intervenor in Writ Petition (PIL) No. 27 of 2020, have argued that opening of liquor shops during the lock-down period as announced by the Chhattisgarh State Marketing Corporation Limited on 02.04.2020, would augment further spread of the COVID-19 virus for the reason that for purchase of liquor, there shall be huge gathering of consumers and this may lead to spread of the pandemic. They would also argue that when the entire economic activities are stopped and poor daily wage earners and other rural population is not earning



enough for meeting both ends of their life, any effort by them to spend amount for purchasing liquor would drive them to further poverty.

Shri Prafull N Bharat, the learned *Amicus Curiae* would submit that the prayer made in this writ petition as well as intervention application on the issue has been rendered infructuous as the State Government has categorically stated that there is no plan, as of now, to open the liquor shops till the lock-down continues i.e. 14.04.2020.

The learned Advocate General submits that the Government shall take fresh decision in the matter depending upon the decision whether to continue the lock-down or not.

In view of the statement of the learned Advocate General, it cannot be said that the issue has been rendered infructuous.

Having noted the submissions in all the writ petitions, we allow two weeks time to the learned Advocate General for filing status reports on the issues raised in each of the petitions. The learned Assistant Solicitor General shall also file his response together with the orders passed by the Hon'ble Supreme Court on related issues so that conflicting orders are not passed by this Court.

Insofar as the issue concerning opening of liquor shops, we shall hear the matter on 13.04.2020 as by that time there will be clarity as to whether lock-down will be extended or not.

We are particularly concerned about the non-testing of such persons who have returned to the State of Chhattisgarh after attending Tablighi Jamaat congregation at Nizamuddin Markaz. Since the medical reports of 23 Tablighi



Jamaat members are still awaited and another 52 persons are not traceable, we direct the State Government to initiate intensive search operation to locate the remaining 52 persons who have attended the congregation and to forthwith obtain reports of 23 persons whose samples have been taken but the reports are awaited. For these 23 persons and the remaining 52 persons, status report shall be submitted on the next date of hearing i.e. 13.04.2020.

Except the issue concerning opening of liquor shops and testing of the persons who attended the Tablighi Jamaat congregation, the other issues shall be taken up after two weeks i.e. 27.04.2020.

Post these matters on 13.04.2020.

Sd/-  
(Prashant Kumar Mishra)  
**Judge**

Sd/-  
(Goutam Bhaduri)  
**Judge**

Subbu

