

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF



...PETITIONER

VERSUS

1. UNION OF INDIA

THROUGH,

THE SECRETARY,

DEPARTMENT OF HEALTH AND FAMILY WELFARE,

MINISTRY OF HEALTH AND FAMILY WELFARE,

ROOM NO. 348; 'A' WING, NIRMAN BHAVAN,

NEW DELHI-110011

...RESPONDENT NO. 1

2. GOVERNMENT OF NCT OF DELHI

THROUGH,

THE DIRECTOR,

DIRECTORATE OF FAMILY WELFARE,

B' & 'C' WING, 7TH FLOOR, VIKAS BHAWAN- 2,
CIVIL LINES,
NEW DELHI – 110054 ...RESPONDENT NO. 2

3. DEPARTMENT OF DELHI TRANSPORT CORPORATION,
GOVERNMENT OF NCT OF DELHI
THROUGH,
THE SECRETARY,
I.P. ESTATE,
NEW DELHI-110002 ...RESPONDENT NO. 3

4. MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA,
THROUGH,
THE SECRETARY,
NORTH BLOCK,
NEW DELHI - 110001 ...RESPONDENT NO. 4

5. COMMISSIONER OF DELHI POLICE,
DELHI POLICE HEADQUARTERS,
MSO BUILDING, INDRAPRASHTA MARG, IP ESTATE,
NEW DELHI, DELHI 110095 ...RESPONDENT NO. 5

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE
OF UNDER ARTICLE 21 OF THE CONSTITUTION OF
INDIA.

To,

HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE HON'BLE
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED:

MOST RESPECTFULLY SHOWETH: -

1. That the petition is not guided by self-gain or for gain of any other individual person, institution or body. There is no motive other than the larger public interest in filing this petition. Petitioner has no personal interests or individual gain, private motive or oblique reasons in filing this petition. It is totally bona-fide with the sole purpose of larger public interest and in interest of justice as the Article 21 of the Constitution of India, Section 144 of the Code of the Criminal Procedure, 1973 and Section 188 and 271 of the Indian Penal Code, 1860 are violated by the Respondents.
2. That the source of averments made in this petition is personal knowledge and information collected from various sources, including newspapers and websites. Petitioner is filing this PIL under Article 32 of the Constitution of India in the nature of public interest litigation challenging inaction of Government of Delhi in failing to stop the spread of the Coronavirus in the State of Delhi and due to their negligence the Coronavirus has spread all over the Country, which is antithesis to the Article 21 of the Constitution of India and provisions of Code of Criminal Procedure Act, 1973 and Indian Penal Code, 1860.

The Petitioner is seeking the following reliefs:

- a) Issue a writ of mandamus or other appropriate writ order or direction directing Respondents to show what appropriate steps

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were forthwith by them to prevent the spread of the novel coronavirus in the NCT of Delhi;

- b) Issue a writ of mandamus or other appropriate writ order or direction directing the Respondents and the concerned authorities under them to take such measures to stop people from gathering at one place and enforce proper safety to the people who were gathering at the above-mentioned places;
 - c) Issue a writ of mandamus or other appropriate writ, order and direction laying down guidelines, devising strategy to protect the fundamental rights by the Respondents and the concerned authorities who are State within the meaning of Article 12 of the Constitution of India;
 - d) Issue a writ of mandamus or other appropriate writ, order and direction directing the Central Bureau of Investigation (CBI) to investigate the matter related to the assembly of people at Anand Vihar Bus Terminal and Markaz in Nizamuddin;
 - e) Issue such other appropriate writ or direction that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice.
3. That Petitioner is a citizen of India and interested in safeguarding the interest of public at large and ventilating the grievances of public regarding the issues of public importance. The Petitioner is an Advocate, practicing before the. The Petitioner is a public-spirited person and takes lead in various issues of public interest before the authorities.
 4. That Government of NCT of Delhi, and Government of India is likely to be affected by the orders sought in this petition and they have been impleaded as Respondents. Petitioner submits that to

its knowledge, no other persons, bodies, institutions are likely to be affected.

5. That Respondent No. 1 is the Secretary of the Department of Health and Family Welfare, governed under the Government of India, Respondent No. 2 is a Director of the Directorate of Family Welfare, governed under the Government of NCT of Delhi, Respondent No. 3 is a secretary of the Department of Delhi Transport Corporation, governed under the Government of NCT of Delhi, and Respondent No. 4 is a secretary of Ministry of Home Affairs, governed under the Government of India.
6. That the cause of action for this writ petition arises out of the inaction of the Respondent No. 2 in adopting a strict action by keeping people away from forming group of more than 5 person and they further failed to take any necessary action in stopping the spread of Coronavirus in the National Capital Territory, Delhi. Hence this writ petition is an attempt to provide security to the citizens from further spread of Coronavirus and to find out the real cause of non-performance of the Respondents in controlling the spread of Coronavirus.
7. That there is no requirement for moving concerned government for relief sought in this petition. There is no other efficacious, economic and alternative remedy available to the Petitioner except for approaching this Hon'ble Court by way of this petition.

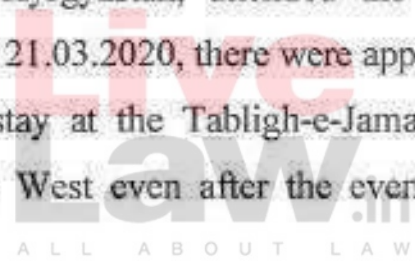
- 9. That Petitioner has not filed any other petition either in this Hon'ble Court of in any other High Court seeking same and similar directions as prayed in this petition.
- 10. That there is no civil, criminal or revenue litigation, involving petitioner, which has or could have legal nexus, with the issue involved in this petition. It is totally bonafide with purpose of larger public and national interest.

GROUND

- A. BECAUSE the inaction of the Respondent towards failure to secure the life of the people from Coronavirus as most of the cases of Coronavirus has increased after assembly of people at Anand Vihar Bus Terminal and Markaz in Nizamuddin, so the Respondent has failed to stop the people from coming out of their house and further to stop them from getting collected at the Anand Vihar Bus Terminal and Markaz in Nizamuddin, despite issuance of various advisories and notifications by them.
- B. BECAUSE on 28.03.2020 i.e. on the fourth day of the lockdown, tens of thousands of Migrant workers from Bihar & Uttar Pradesh, who were working in Delhi assembled outside the Anand Vihar Bus Terminal, Delhi elbowing each other to board the first available bus that would take them to their hometown or village, these workers were never stopped by the Respondent No. 5 and no action was taken by the Respondent No. 2 and 3 in order to stop these workers from coming out of their houses, but they have arranged DTC buses to drop them at Anand Vihar Bus Terminal, despite knowing that the buses are not allowed on roads and movement of people is restricted as per the notification issued by the Respondent No. 2 itself. It is further pertinent to note that the spread of novel Coronavirus can be reduced by

making social distancing and everyone is very well verse with it, but despite that the Respondents has failed to stop these people from moving towards Anand Vihar Bus Terminal.

C. BECAUSE outbreak of the novel Coronavirus was discovered on 30.03.2020 in Delhi which came into the spotlight after over 24 people who attended the event between 15.03.2020 and 17.03.2020 at a "Markaz in Nizamuddin", tested positive for coronavirus. It is most respectfully submitted that all social distancing rules to avoid the deadly coronavirus were ignored and hundreds had been staying in the 100-year-old mosque complex, which has a six-floor dormitory, since 08.03.2020. More than 2,000 delegates, including from Malaysia, Indonesia, Saudi Arabia and Kyrgyzstan, attended the congregation of Tablighi Jamaat. On 21.03.2020, there were approx. 1,746 people who continued to stay at the Tabligh-e-Jamaat's "Markaz" in Delhi's Nizamuddin West even after the event and around 216 were foreigners.



D. BECAUSE the Respondent No. 5 has failed to arrest the Nizamuddin Markaz chief Maulana Saad, who has organised the event at the Markaz and because of him thousands of people have gathered in Nizamuddin, Delhi and which resulted in increase of Coronavirus patients in India.

E. BECAUSE as per few news agencies have reported the statement made by the BJP government minister Mr. Kapil Mishra that the Government of NCT of Delhi has made announcements in the colonies where UP-Bihar migrants are staying in Delhi informing them that Delhi Government-run DTC buses will take them to the Anand Vihar bus terminal. It is further most respectfully submitted that it also came into notice that Delhi govt has

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purposely cut the electricity and water supply of migrant workers, and they told that buses were waiting for them at UP border which will help them in reaching their respective hometown, which further need inquiry from the CBI and wrong doers should be punished for misleading the weaker section of the society this way.

- F. BECAUSE the Petitioner does not have any alternative and efficacious remedy for enforcement of his fundamental rights.

PRAYER

It is therefore, most respectfully, prayed that this Hon'ble Court may graciously be please to:

- a) Issue a writ of mandamus or other appropriate writ order or direction directing Respondents to show what appropriate steps were forthwith by them to prevent the spread of the novel coronavirus in the NCT of Delhi;
- b) Issue a writ of mandamus or other appropriate writ order or direction directing the Respondents and the concerned authorities under them to take such measures to stop people from gathering at one place and enforce proper safety to the people who were gathering at the above-mentioned places;
- c) Issue a writ of mandamus or other appropriate writ, order and direction laying down guidelines, devising strategy to protect the fundamental rights by the Respondents and the concerned authorities who are State within the meaning of Article 12 of the Constitution of India;
- d) Issue a writ of mandamus or other appropriate writ, order and direction directing the Central Bureau of Investigation (CBI) to

investigate the matter related to the assembly of people at Anand Vihar Bus Terminal and Markaz in Nizamuddin;

- e) Issue such other appropriate writ or direction that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

FILED BY:

DUSHYANT TIWARI/

(OM PRAKASH PARIHAR)

Advocates

Live
Law
ALL ABOUT LAW

OM PRAKASH PARIHAR

Advocate-on-record for the Petitioner

NEW DELHI

DRAWN ON: 07.04.2020

FILED ON: 05.04.2020

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF

SUPRIYA PANDITA ...PETITIONER

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

AFFIDAVIT



1. That I am the sole Petitioner in the above named and well acquainted with the facts and circumstances of the case and as such, I am competent to swear this affidavit.
2. That I have read and understood the contents of accompanying synopsis and list of dates pages (6 to 7) and writ petition paras (1 to 10) and pages (1 to 9) and total pages (1 to 78) which are true and correct to my personal knowledge and belief. Annexures filed along with this petition are true/typed copies of their respective originals.
3. That I have filed this petition as a PIL. There is no personal gain, private motive or oblique reasons in filing this petition. This

petition is totally bona-fide with the sole purpose of large public interest and in interest of justice.

4. That I have no personal interest in the litigation and neither myself nor any body in whom I am interested, would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This writ petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than the larger Public Interest and in interest of justice.
5. That I have gone through Article 32 of the Constitution of India and Supreme Court Rules and do hereby affirm that the present writ petition is in conformity thereof.
6. That I have done whatsoever enquiry/investigation, which was in my power to do, to collect the data/material, which was available; and which was relevant for the Court to entertain the present petition.
7. That I have not concealed any data/material/ information in this petition, which may have enabled this Hon'ble Court to form an opinion, whether to entertain this petition or not and/ or whether to grant any relief or not.
8. That the averments made in this affidavit are true and correct to my personal knowledge and belief. No part of this Affidavit is false nor has anything material been concealed there from.

DEPONENT

VERIFICATION

I, the above-named deponent do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge

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and belief, no part of it is false and nothing material has been
concealed therefrom.

I solemnly affirm today i.e. the 04th day of April 2020 at Jammu.

DEPONENT

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