

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LD-VC-PIL-23 OF 2020

**(Mohammad Nishat S/o Mohd. Saleem Vrs. The State of Maharashtra through
its Chief Secretary, Mantralaya, Mumbai and others)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Dr. Tushar Mandlekar, learned counsel assisted
by Shri Rohan Malviya, learned counsel for the petitioner.
Shri S.Y.Deopujari, learned Government Pleader for respondent
nos. 1 and 5.
Shri Aurangabadkar, learned Assistant Solicitor General of India
for the respondent nos. 2, 3 and 4.
Shri Sudhir Puranik, learned counsel for the respondent nos. 6
and 7.

CORAM : ANIL S. KILOR, J.

DATE : 3rd MAY, 2020.

In the present petition, citing an urgency, request
was made to hear the matter today. Considering the issue
involved in the present matter, the matter was taken for
hearing.

2. Heard Shri Dr. Tushar Mandlekar, learned
counsel for the petitioner assisted by Mr. Rohan Malviya,
Shri Sudhir Puranik, learned counsel for the respondent
nos.6 and 7. Shri Aurangabadkar, learned counsel for
respondent nos.2, 3 and 4, Shri Deopujari, learned
Government Pleader for respondent nos.1 and 5.

3. Shri Mandlekar, learned counsel for the petitioner at the outset prayed for deletion of name of the respondent no.7, Shri Tukaram Mundhe. Permission is granted. The petitioner shall delete the name of respondent no.7 forthwith.

4. The issue raised by the petitioner who is claiming to have filed this petition in pro bono publico, is in respect of non-compliance and non-observance of guidelines time to time issued by the Union of India/ICMR in respect of COVID-19.

5. Learned counsel for the petitioner submits that the authorities are picking the persons randomly from the area namely 'Satranjipura' and 'Momimpura' of Nagpur City and making them quarantine though they are not falling in the categories of 'High Risk Contacts' and 'Low Risk Contacts'. He submits that if any person who is not falling in any of the said category, making them quarantine amounts to infringement of their rights under Articles 14, 19 and 21 of Constitution of India.

6. Shri Mandlekar, learned counsel for the petitioner has drawn attention of this Court to the various guidelines enclosed with the petition. He submits that the

respondent authorities are taking the persons from the aforesaid two areas and making them quarantine in M.L.A Hostel and V.N.I.T. which are located in crowded area. According to him, as per the guidelines the quarantine facility in a community based facility shall preferably be placed in the outskirts of the urban/city area away from the people's reach, crowded and populated area and well protected and secured area. Thus, according to him, there is breach of guidelines issued by Union of India in that regard.

7. On a specific query put to him by the Court as regard source of information of the petitioner, Shri Mandlekar, learned counsel for the petitioner fairly admits that the petition is based on news items and his client could not verify the correctness of the said news item because he was not allowed to enter the said areas.

8. Shri Puranik, learned counsel for respondent no.6 submits that today in the afternoon the copy was served upon him, therefore, he could only obtain oral instructions from the authorities and according to his instructions, the patients who are in the category of 'High Risk Contacts' are being quarantine. He further submits that the Corporation is strictly following the guidelines issued in respect of COVID-19.

9. Today, Dr. Pravin Gantawar from Health Department of Corporation, is present in the Court and he points out that every care has been taken before making any person quarantined, as directed to be taken under the guidelines issued in this regard. He also submits that all these persons who have been quarantined are from the category of 'High Risk Contacts' and therefore with a view to break the chain of COVID-19 and in the interest of citizen of Nagpur City, such necessary steps have been taken.

10. Shri Mandlekar, learned counsel for the petitioner is not disputing that the authorities are working in the interest of people of the Nagpur City and whatever steps they are taking are in the interest of Nagpur City and with an intention to break the chain of COVID-19. However, he reiterated his argument that he is concerned with the places where these persons are being quarantined which are crowded and because of which possibility of causing further infection to other persons residing nearby these two places, cannot be ruled out.

11. The learned counsels for respondents are praying for time to file their respective submissions. They are seeking two days time to obtain the instructions in the matter and to file reply to the petition so as to clarify the

position as regard the allegations made in this petition.

12. Shri Mandlekar, learned counsel for the petitioner has no objection for grant of two days time to file reply by the authorities.

13. Accordingly, issue notice to the respondents, returnable on **5th May, 2020**.

14. Shri S.Y.Deopujari, learned Government Pleader waives notice for respondent nos. 1 and 5, Shri Aurangabadkar, learned Assistant Solicitor General of India waives notice for the respondent nos. 2, 3 and 4 and Shri Sudhir Puranik, learned counsel waives notice for the respondent nos. 6.

15. Respondents-Authorities shall file their reply on or before returnable date and provide advance copy to the learned counsel for the petitioner.

16. Stand over to **5th May, 2020**.

JUDGE

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