

\$~VC-7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C)3212/2020, C.M. Applns. No.11181-82/2020

DR. ANIL DHALLA

..... Petitioner

Through: Ms.Neha Jain and Ankit Sharma,
Advocates

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr.Rishikesh Kumar, Advocate for
respondents No.1/GNCTD & 3/D.M.,
South
Mr.Rakesh, Advocate for respondent
No.2/SDMC
Mr.Rohit Puri advocate for
respondent No.5
Mr.S. N. Choudhri and Ms.Sukanya
Choudhri, Advocates for respondent
No.6

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

%

21.05.2020

C.M.Appln.11182/2020 (Exemption)

Allowed subject to all just exceptions.

W.P.(C) 3212/2020&C.M.Appln.11181/2020 (stay)

1. The present petition has been filed seeking the following prayers: -

“i. a writ in the nature of Mandamus or other appropriate writ order or direction to Respondents no. 1-4 to perform their duties to ensure that all the directives laid down by the COVID-19 Management are carried out in and around

property bearing no. 197-C, Cariappa Marg, M.B.Road, Delhi and ensure that no guest house is run illegally and neither any portion of the said property is rented out to any person whatsoever who can be a threat to the life and safety of the residents; and

ii. a writ in the nature of Prohibition or other appropriate writ order or direction preventing the Respondent no.1 -4 to grant any permission, license or approval to run any guest house in the vicinity of Cariappa Marg, Delhi till all the directives laid down by government are duly complied with and safety and well being of residents are assured; and

iii. any other writ, order, direction, or relief which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of Senior Citizens be allowed.”

2. Mr.Rishikesh Kumar, learned counsel for the respondent/DM South points out that health workers are the front-line warriors of the COVID-19 pandemic and cannot be asked to move away from the property in question. This court concurs with this submission.

3. Ms.Neha Jain, learned counsel for the petitioner however submits that this is not her prayer, but since the petitioner is a senior citizen living with five other senior citizens, with what is described as ‘co-morbidities’, they are anxious about their health and well-being as measures relating to hygiene are not being adhered to by the occupants of property bearing no. 197-C, Cariappa Marg, M.B.Road, Delhi who are numerous in number and which opens the petitioner and the other residents to a great risk of infection.

4. While no one has a right to ask for the removal of the resident health workers from their neighbourhood because of an unrealistic fear of the Covid-19, the respondent No.1/GNCTD and respondent No2/ SDMC cannot

escape their obligation to provide a protected environment to the senior citizens and other residents adjacent to such buildings which are occupied by the health workers. This includes regular fumigation and sanitization while ensuring that all measures of hygiene are adhered to by the occupants. It is to be noted that senior citizens above the age of 65 years have their movement restricted as they are not even allowed to leave their homes and their concerns cannot be wished away by the government authorities, who are obligated to take care of all the citizens.

5. The respondents No.1 & 2 are directed to take all action, such as fumigation and sanitization, similar to the measures as are being adopted for Containment/Buffer Zones, in the area in question and may also adopt the practice/protocol in other zone/areas where health workers are residing, which would also assuage the fears of other residents in the same locality, that they may be exposed to greater risk of infection.
6. An action taken report be submitted before the next date.
7. List on 28.05.2020 before the Roster Bench.

ASHA MENON, J

MAY 21, 2020

s/sm