

In Chamber

A.F.R.

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 578 of 2020

Petitioner :- Shaad Anwar

Respondent :- State of U.P.

Counsel for Petitioner :- In Person

Counsel for Respondent :- C.S.C.

Hon'ble Shashi Kant Gupta,J.

Hon'ble Saurabh Shyam Shamsbery,J.

1. The present matter was registered as Public Interest Litigation on the basis of a letter sent by Mr. Shaad Anwar, Advocate seeking release of the members of Tablighi Jamat, who were quarantined after they returned to Uttar Pradesh after visiting Markaz Nizamuddin, Delhi in the morning on 5.3.2020.

2. By order dated 14.5.2020, notice was issued to the State through Advocate General at Allahabad. Thereafter, the matter was taken up on 21.5.2020, and following order was passed:

“Sri Anwar seeks a day's time to bring on record the necessary facts in this regard and the details of such persons so that we may ask the State to submit response to it.”

3. Pursuant to the aforesaid order, the petitioner, Mr. Shaad Anwar, Advocate filed a detailed petition, furnishing details of the 45 members of Tablighi Jamat, who were sent to Quarantine Centre at various places within the State of Uttar Pradesh. The matter thereafter was again taken up on 29.5.2020 and the following order was passed : -

“Sri Shaad Anwar, a practicing Advocate at New Delhi has preferred this petition for writ to have direction to release the persons who were quarantined on the count that they participated in some function organized by Tablighi Jamat.

According to the petitioner, all the persons so quarantined have completed the period prescribed but the State is not releasing them without any just and valid reason.

While alleging violation of fundamental right of such quarantined persons as enshrined under Article 21 of the Constitution of India, the petitioner states that a direction is

required to be issued to the State to release such persons forthwith.

Suffice to state that as per learned Additional Advocate General, Sri Manish Goyal there are few persons who have yet not been released due to non-availability of transportation from the State of Uttar Pradesh to the State to which they belong and as such those persons are at quarantine centres at their own will.

The petitioner has opposed the facts stated by learned Additional Advocate General.

Having considered all facts of the case, we deem it appropriate to direct the State to make available all details pertaining to the members of Tablighi Jamat, who were quarantined, released after completing the quarantine period or have yet not been released despite completing tenure of quarantine.

The State shall also give reasons for not releasing such persons, if any.

Let this petition for writ be listed on 30th May, 2020 at 12.30 pm to be taken up through Video Conferencing.”

4. By the aforesaid order, the State was directed to make available all details pertaining to the members of Tablighi Jamat, who were quarantined, released after completing the quarantine period or have yet not been released despite completing tenure of quarantine. The State was further directed to give reasons for not releasing such persons, if any.

5. In pursuance of the aforementioned order, today again the matter was taken up at 12.30 pm through Video Conference.

6. A detailed Chart has been provided by the State, inter alia, indicating that total 3001 Indians as well as 325 foreigners, who were the members of the Tablighi Jamat were quarantined. It has been further stated that all the 3001 members of Tablighi Jamat, who were Indians, have been released after competing the quarantine period, details of which have been given in the Chart. The Chart further indicates that all the 3001 members (Indians) of the Tablighi Jamat, have been released by the State from the Quarantine Centers, however, 21 members out of them have been

detained in Jail, as such, none of the members of the Tablighi Jamat are in Quarantine Centers. For ready reference, a Chart containing the details of the members of the Tablighi Jamat placed by Senior Advocate Mr. Manish Goyal, learned Additional Advocate General is quoted hereinbelow : -

भारतीय/विदेशी तब्लीगी जमातियों से सम्बन्धित संख्यात्मक विवरण									
क्र० सं०	जोन	कुल क्वारन्टाइन किये गये भारतीय की संख्या	वर्तमान में क्वारन्टाइन भारतीय की संख्या	वर्तमान में जेल में निरूद्ध भारतीय की संख्या	बाद क्वारन्टाइन वापस गये भारतीय की संख्या	कुल क्वारन्टाइन किये गये विदेशी की संख्या	वर्तमान में क्वारन्टाइन विदेशी की संख्या	वर्तमान में जेल में निरूद्ध विदेशी की संख्या	बाद क्वारन्टाइन वापस गये विदेशी की संख्या
1	मेरठ	1328	0	7	1321	180	0	152	28
2	बरेली	607	0	2	605	33	0	25	8
3	आगरा	274	0	0	274	2	0	2	0
4	कानपुर	80	0	0	80	8	0	8	0
5	लखनऊ	161	0	2	159	20	0	10	10
6	प्रयागराज	75	0	5	70	16	0	16	0
7	गोरखपुर	81	0	0	81	17	0	17	0
8	वाराणसी	176	0	5	170	26	0	26	0
9	लखनऊ कमिश्नरेट	136	0	0	136	23	0	23	0
10	गौतमबुद्धनगर कमिश्नरेट	83	0	0	83	0	0	0	0
कुल योग		3001	0	21	2979	325	0	279	46
नोट जनपद सोनभद्र का एक भारतीय तब्लीगी जमाती जिला अस्पताल में भर्ती है।									

7. On the basis of instructions so received, Mr. Manish Goyal, Additional Advocate General assisted by Mr. A.K. Goyal, Additional Chief Standing Counsel appearing on behalf of the State has stated that none of the members of the Tablighi Jamat, who were Indians, are presently under detention in the Quarantine Centers in the State of Uttar Pradesh as they all have already been released from the Quarantine Centers. They have returned to their respective States barring few members who have made their own private arrangements for their stay.

8. Per contra, the learned counsel/petitioner Sri Shaad Anwar, who has appeared in person before this Court through Video Conferencing has submitted that few members (Indians) of Tablighi Jamat, who have completed their quarantine period are still in Quarantine Centers but have failed to provide details of such members. Since the petitioner has failed to disclose the names of

such members of Tablighi Jamat, who have not been released from the Quarantine Center, we find no reasons to disbelieve the statement made by the learned Additional Advocate General, Mr. Manish Goyal appearing on behalf of the State.

9. Thus, keeping in view the statement made by Mr. Manish Goyal, learned Additional Advocate General at the Bar on the basis of the instructions received and the detailed Chart produced by him as referred to by us in the earlier part of this order, we accept the version of the State in this regard. However, it would be open to the petitioner to ventilate its grievances in accordance with law before the appropriate forum in case he discovers later on that some members of Tablighi Jamat are still detained in the Quarantine Center despite completing the requisite period of quarantine.

10. Before parting, we wish to note that due to prevailing outbreak of Covid-19, large numbers of persons including migrant workers, are quarantined at different places in the State of Uttar Pradesh. They are required to be released as soon as quarantine period is over. As a guardian of the Constitution, this Court has a duty to interfere whenever there is an abuse of power or usurpation of a right conferred by the Constitution. Persons, who have completed their quarantine period and have tested negative can not be further detained in the Quarantine Centers against their wishes. It would be in violation of personal liberty under Article 221 of the Constitution of India.

11. In view of the above, we direct the State Government to ensure that the persons, who have completed their quarantine period be released forthwith from the Quarantine Centers provided they have tested negative and there is no legal impediment in releasing them. We, further direct the Chief Secretary, State of Uttar Pradesh to set up a three members committee in every district to ensure

smoother, greater and more effective functioning of the Quarantine Centers. This Committee shall not only to supervise the functioning but to see that the Quarantine Centers are properly maintained, controlled and administered and also provide help, assistance, guidance in the wake of difficulties and problems faced by the persons, who are quarantined and further ensure that the persons, who have completed quarantine period, are released forthwith provided they have tested negative after completing quarantine period and there is no legal impediment in releasing them.

12. We greatly appreciate the valuable assistance rendered by Sri Manish Goyal, learned Additional Advocate General in this case with his usual ability.

13. With aforesaid observation, the writ petition stands finally **disposed of**.

14. The Registrar General is directed to forward a copy of this judgment to the Chief Secretary, Government of Uttar Pradesh, Lucknow forthwith for its onward circulation to all the District Magistrates of the State to ensure its compliance.

Order Date :- 30.5.2020

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