

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL NO. CJ-LD-VC-26 OF 2020

Narendra Murkumbi } Petitioner
 } versus
State of Maharashtra } Respondents
and Ors. }

Mr. Vikram Nankani, Senior Counsel, a/w.
Mr. Ankit Paleja i/b. Crawford Bayley & Co. for
the Petitioner.

Mr. Anil C. Singh, ASG, a/w Mr. Aditya Thakkar
and Mr. D. P. Singh for the Union of India.

Mr. A. A. Kumbhakoni, Advocate General with
Ms. P. H. Kantharia, GP with Mr. Laxmikant T
Satelkar, AGP for the respondent-state.

Mr. A. Y. Sakhare, Sr. Advocate a/w
Ms. Yamuna Parekh and Mr. Rohan
Mirpuray for the Respondent-MCGM.

CORAM :- DIPANKAR DATTA, CJ &
 K. K. TATED, J.

DATE :- JUNE 19, 2020

PC :-

1. The petitioner has prayed for a direction on the respondents to do away with production of a prescription/certificate of a medical practitioner as a pre-condition to test for COVID-19, and to allow such testing to be done irrespective of whether a person is symptomatic and has come in contact with a COVID-19 patient. Interim relief is also prayed for on similar lines.

2. We are of the considered *prima facie* opinion that there has to be a rational use of testing kits and the present situation is not such warranting grant of interim relief, as prayed. Interim relief stands refused.
3. The respondents shall file their respective reply affidavits within three weeks; rejoinder thereto, if any, may be filed within a week thereafter.
4. The PIL petition shall be listed in due course.
5. This order will be digitally signed by the Private Secretary of this court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(K.K.TATED, J.)

(CHIEF JUSTICE)