

THE HIGH COURT OF MADHYA PRADESH
WP 13544-2020
(Ashish Pratap Singh Vs. State of M.P. & ors.)

Gwalior Dt. 25.09.2020

Shri Rajesh Sharma, learned counsel for the petitioner.

Shri Ankur Modi, learned Additional Advocate General for the respondent/State.

Shri Raju Sharma, Shri V.D. Sharma and Shri Sanjay Dwivedi, learned counsel as amicus curiae.

This case is heard through video conferencing.

Amicus curiae Shri Raju Sharma, Shri V.D. Sharma and Shri Sanjay Dwivedi have filed a joint report which reveals instances of breach of interim order passed by this Court on the last occasion by allowing congregation of large number of people.

Registry is directed to supply a copy of report of amicus curiae to the counsel for the State and as well as counsel for the petitioner within two days.

Counsel for the State Shri Modi is directed to verify the contents of the said report of amicus curiae and file a short report in regard to the instances of breach pointed out in the said report.

It is undeniable that the Covid-19 pandemic is on the rise in the district of Gwalior which is evident from the statistics of increasing number of persons found to have tested Covid-19 positive. Even the number of deaths is on the rise. In such a situation if the Executive Authorities do not prevent congregation of large number of people in

violation of restrictions laid down by the Central Government, State Government and the District Magistrate then this Court may have to step in to do something which the Executive Authorities of the State failed to do.

The amicus curiae Shri Raju Sharma and Shri Dwivedi inform that due to the forthcoming byelection to the vacant seats of the legislative assembly in the State of M.P., the said congregation in breach of prohibitive order of Central Government, State Government and the District Magistrate.

Learned Additional Advocate General on the other hand points out that a petition seeking deferment of the general election of legislative assembly of State of Bihar filed in the Apex Court on the ground of ongoing Covid-19 pandemic was dismissed.

Let the case be taken up **on 29.09.2020.**

Before the next date of hearing, the following ought to be ensured:-

- (i) State to file reply in response to the joint report of amicus curiae.
- (ii) State to produce the order of Apex Court in regard to the election to the legislative assembly of the State of Bihar.
- (iii) Registry to supply a copy of joint report of amicus curiae to the petitioner and as well as learned Additional Advocate General within two days.

(Sheel Nagu)
Judge

(Rajeev Kumar Shrivastava)
Judge