

**W.P.Nos.28425 & 28431 of 2021**

**and W.M.P.No.30034 of 2021**

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**S.VAIDYANATHAN, J.,**  
**AND**  
**D.BHARATHA CHAKRAVARTHY, J.,**

(Common Order of the Court made by **S.Vaidyanathan, J.**)

Present writ petitions have been filed seeking for a direction to the respondents to take appropriate measures and impose appropriate COVID-19 restrictions for the events to be conducted on the eve of New Year (2022) and to forbear the respondents from allowing New Year Celebrations in the Union Territory of Puducherry and further control the movement of vehicles from neighbouring States.

2. The contention of the learned counsel for the Petitioners is that, even though the relief sought in the Writ Petitions is different, organising 'New Year Celebrations' may increase the spread rate of OMICRON virus, which is on the rise in India. He went on to state that, India has faced first wave of COVID-19 in the year 2020 and second wave of COVID-19 in the year 2021, due to which, several lives have been lost. Even COVID-19 warriors have lost their family members and there was shortage of Hospital beds and Oxygen cylinders to treat the patients, who were affected by COVID-19. According to



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the learned counsel, Hospital facilities at Puducherry are very minimal and in

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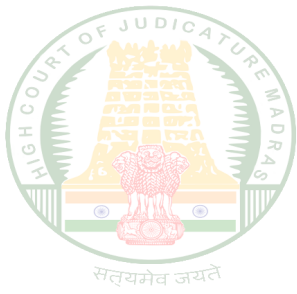
case of increase in the spread of OMICRON virus, it would be difficult for the

Government of Puducherry to handle the situation. Hence, in the interest of the public, the present writ petitions have been filed to control the movement of vehicles, apart from curtailing New Year Celebrations.

3. Mrs.N.Mala, learned Government Pleader appearing for the Union Territory of Puducherry submitted that, sufficient safeguards were taken to curtail the spread of OMICRON virus. In that regard, a Meeting was chaired by the District Collector along with others and she produced the Minutes of the Meeting, dated 28.12.2021, relevant portion of which, is extracted hereunder:

"The following action points emerged during the meeting:

1. The District Collector informed that as per the MHA order NO.40-3/2020-DM-1(A) dt.30/11/2021 there is no bar on the celebration of the New year eve. Further, as per DO Letter of the Ministry of Home Affairs, GoI dated 27.12.2021, the District Administration is instructed to observe all precautions and not let the guard down and to consider imposing need based, local curbs / restrictions to control the crowd during festive season and should strictly



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enforce the norms of Covid-19 appropriate behaviour. As per the State Executive Committee order No.104/PSEC/COVID19/2021 Dt.15-12-2021 the curfew is relaxed on 30<sup>th</sup>, 31<sup>st</sup> December 2021 and 1<sup>st</sup> January 2022 upto 2.00 am and the curfew timing will be from 2.00 am to 5 am. Therefore, the permission for New Year Celebrations shall be granted with appropriate restriction.

2. The Health Department, Puducherry requested for enforcement of the following restrictions:

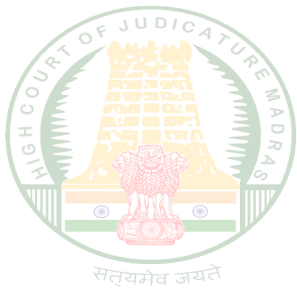
(i) No persons must be provided room for stay if not vaccinated

(ii) The Hotel Administration must make a mandatory column of the vaccinated ID No. in the occupancy register.

(iii) Strict compliance of Covid appropriate behaviour (Mask wearing, sanitizer usage, social distancing) should be ensured.

(iv) Restaurant / Ice cream parlours / juice shops must allow their customer only if COVID Vaccine certificate is shown.

(v) All the shops must have sanitizer and thermal scanning at the entry points.



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3. The Municipality Commissioner shall issue license to the events on receipt of the NOC from the District Magistrate and line Depts.,

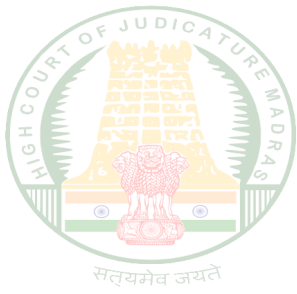
The following conditions shall be incorporated in the license

(i) The organizer shall give an undertaking only 50% capacity of the area will be used for the function. They shall give the details of the floor area and the usage with the number of probable guests.

(ii) The event organizers shall ensure compliance of covid appropriate behaviour and ensure only vaccinated persons are permitted in the event by deploying separate man power for this purpose.

4. The Dy. Collector (DM) shall issue orders for Joint enforcement team for covid 19 monitoring with the Revenue – Police and Municipalities Staff as members of the team. There shall be 3 teams for Puducherry Municipality and one team for Oulgaret Municipality. The Joint Enforcement may report before the SP(East) on 30.12.2021 at 4.00 PM.

5. The enforcement on covid 19 appropriate behaviour by shall be done by Joint Enforcement Team, Police and other line Dept., by imposing penalties. Further as per the request of the SSP (L&O) an amount of Rs.1,00,000/- shall be released from the DM fund for the purchase masks to be given to violators who are levied with penalty.



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6. The Police and Excise Dept., officials shall ensure that the liquor is not supplied to the persons who are below the legal age limit of 18 years.

7. The SSP (L&O) requested Tourism Dept., for the provision of CCTV coverage in important areas of public gathering, operation of 4 nos of drones and for LED screen displays in vital areas.

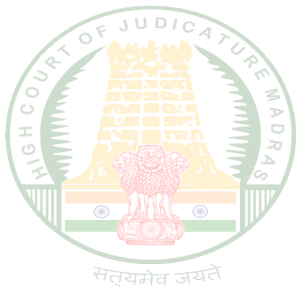
8. The SSP (L&O) also informed for arrangement of barricading to be done by Public Works Dept., and lighting arrangements to be done by Electricity Dept., The PTDC / Tourism Dept., shall arrange for necessary funds in this regard.

9. The Municipality shall ensure for necessary drinking water availability and mobile toilets in the gathering areas.

10. The Traffic Police shall provide designated traffic spots / entry and exit points and device a **traffic plan**. These designated spots are to be publicized in advance so that tourists are aware of the regulations and hazzles may be prevented.

11. The Traffic Police shall provide a **pedestrian plan** shall be arrived which will provide entry and exit points for pedestrians in and out of the white town area in Puducherry.

12. The parking at new port area shall be arranged by the traffic police and the arrangement for the same shall be



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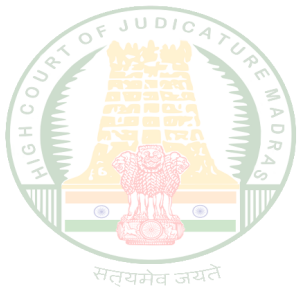
done in coordination with the event manager and PTDC on 30, 30-12-2021. The SP (Traffic) requested for the arrangement of shuttle buses from old port to new port by the organizer and also insisted for providing necessary parking within the event venue itself, however since there are considerable crowd expected the movement of vehicles shall be restricted in the crowded streets and areas. Sufficient volunteers shall be provided by the even organizers to regulate the crowd and the movement.

13. The Commissioner, Municipality has informed that 2 applications for outdoor celebrations in Puducherry Municipality and 3 applications for celebrations at Hotel in Oulgaret Municipality have been received so far. The District Collector informed that new applications for events beyond 5.00 PM on 29-12-2021 shall not be entertained as processing of the same would be difficult.

14. All events should be completed before 12.30 AM and venues should be closed by 1.00 AM.

15. The Revenue Officer, DRDM should put up for orders for 6 Executive Magistrate to the 6 Zonal Officers as suggested by the SSP(L&O)

16. Further as per the Note No.LGS/SecyLG/2021/42 Dt.28-12-2021 of the L.G. Secretariat the festivity shall be permitted with proper enforcement on the covid behaviour



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and precautionary measures are put in place at every venue and shall be monitored strictly by Police, Municipalities and Joint Enforcement Team. The Police shall arrange for announcement through Public Address system in the crowded places. The Health Dept., shall also arrange for random testing in the crowded places."

4. According to the learned Government Pleader, no Hotel is going to accommodate a person, who is not vaccinated and that, even the Event Organisers will have to give an undertaking that only 50% of the capacity of the area would be used for New Year Celebrations. Further, she submitted that only two applications for Outdoor Celebrations in Puducherry Municipality and three applications for Celebrations in the Hotel in Oulgaret Municipality have been received so far and the last date for receipt of new applications was fixed at 5:00 p.m. on 29.12.2021. She also stated that, all the safeguards have been taken and that, mobility of vehicles will be restricted in crowded areas. Moreover, Puducherry being a tourist place, Tourism has to be encouraged and it is a time for everyone to celebrate by following appropriate COVID-19 protocol.

5. After hearing the learned counsel for both sides, we posed a question



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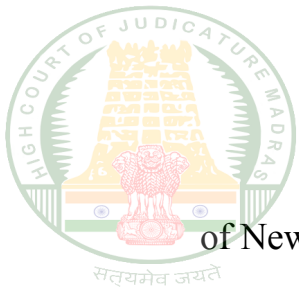
to Mrs.N.Mala, learned Government Pleader (Puducherry) as to whether there

is any possibility of curtailing New Year Celebrations by restricting the sale of

Alcohol for two days from 30.12.2021 onwards by adopting any other modality apart from the aforesaid 16 conditions imposed in the Meeting chaired by the District Collector.

6. With regard to the contention of the learned counsel for the Petitioner in W.P.No.28431 of 2021 that, there is shortage of beds in the Hospitals, learned Government Pleader submitted that, the said averment is not correct and in fact, the Hon'ble Division Bench of this Court has appreciated the steps taken by the Government of Puducherry during second wave of COVID-19 and that, the Government is more concerned not only about the economic situation, but also with regard to the welfare of the public at large. She went on to state that, it would be very difficult to restrict the supply of Liquor in the Bar attached to Hotels, as Hotels have already been booked. Moreover, only two applications for Outdoor Celebrations have been received so far and definitely, the Government will take all necessary steps to ensure safety of the public and take all precautionary measures to ensure maintenance of social distancing. She further submitted that, all participants





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of New Year Celebrations must wear a 'mask' and in case, they do not wear a

mask, the same will be supplied by the Government Officials. 7. In

reply, Mr.Gnanasekar, learned counsel for the Petitioner in W.P.No.28431 of 2021, drew the attention of this Court to the paper publications furnished in the Typed Set of Papers and submitted that, flow of crowd from other States is increasing and there is an open threat to the safety of the lives of citizens in Puducherry on account of spread of COVID -19/ OMICRON. He went on to state that, Celebrities are invited to take part in the New Year Celebrations organized at Hotels, on account of which, much crowd is expected.

8. We are of the view that, Newspaper publications cannot be taken as gospel truth. Undoubtedly, the Government has already taken steps to curtail the spread of COVID-19/OMICRON virus during New Year Celebrations by imposing the aforesaid 16 conditions. That apart, this Court emphasizes the following conditions that:

- (i) no person in Puducherry, who have not been vaccinated with two doses of COVID-19 Vaccine, shall be allowed to participate in New Year Celebrations in public places, **after 7.00 p.m. on**



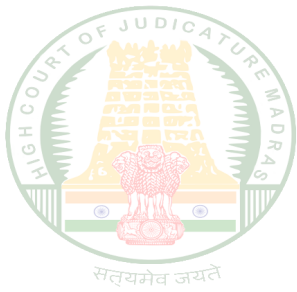
**31.12.2021;**

(ii) if the Officials, who are posted to supervise the situation under the control of Police Department, demand proof of vaccination from the participants, the same has to be produced / furnished by them;

**(iii) in order to ensure safety of pedestrians and other public, Breath Analysers in sufficient quantities shall be available, in case of Drunk and Drive;**

(iv) the Government must also ensure that Celebrities restrict their participation in the New Year Celebrations in public places (except Hotels) after 10.00 p.m., as Celebrities must understand that, the health of citizens is most important than the Celebrations, as, at a later point of time, Celebrations should not end up in mourning;

(v) there will be no sale/supply of Alcohol



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from **10:00 p.m. of 31st of December 2021** till  
**1:00 a.m. of 1st January 2022** at the Bar or at the  
Bar attached to Restaurants/Hotels; and

(vi) any other places, other than Bar, that are  
going to supply Alcohol for customers/public, shall  
stop supplying the same **after 10:00 p.m. of 31st of  
December 2021 till 1:00 a.m. of 1st January 2022.**

9. Normally, the above conditions would not have been imposed, more particularly in a place like Puducherry. But, taking note of the present situation that, two citizens of Puducherry who have been affected with OMICRON have been recovered, as averred by Mrs.N.Mala, learned Government Pleader (Puducherry), this Court has imposed the aforesaid conditions, as we are of the view that "*Prevention is better than Cure*".

10. Though, it has been submitted that, License has been already given to Shopkeepers for sale of liquor, every citizen has got the responsibility to prevent the spread of virus to another citizen. Hence, they should also take



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the responsibility and cooperate with the Government, to prevent the spread

of any Virus, in any form.

Post these Writ Petitions on **03.01.2022** for '**further orders**'.

(S.V.N. J.,) (D.B.C.J.,)

**29.12.2021**

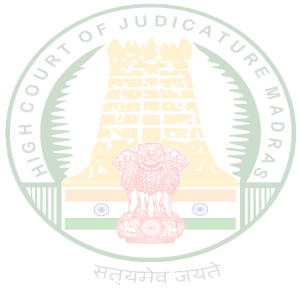
Index : Yes/No  
Speaking Order : Yes/No  
sts/vm

**Note to Registry:**

Issue copy of this order on or before 30.12.2021 and upload the same in the website, forthwith.

**S.VAIDYANATHAN, J.**  
**AND**  
**D.BHARATHA CHAKRAVARTHY, J.**

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Interim order made in  
**W.P.Nos.28425 & 28431 of 2021**  
**and W.M.P.No.30034 of 2021**

Dated:  
**29.12.2021**