

Court No. - 68

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 574 of 2020

Petitioner :- In-Re Inhuman Condition At Quarantine Centres And For Providing Better Treatment To Corona Positive

Respondent :- State of U.P.

Counsel for Petitioner :- Gaurav Kumar Gaur, Jitendra Kumar, Rishu Mishra, S.P.S. Chauhan, Shailendra Garg, Sunita Sharma

Counsel for Respondent :- C.S.C., Purnendu Kumar Singh

Hon'ble Siddhartha Varma, J.

Hon'ble Ajit Kumar, J.

Order on Petition

Today, an affidavit has been filed by the Chief Secretary of Uttar Pradesh in pursuance of the order dated 25.08.2020. However, since there was no elaboration as to how Guideline Nos.1 and 2 of the National Directives for COVID-19 Management (hereinafter referred to as "Directives") was given in the affidavit, we grant Sri Goyal, learned Additional Advocate General, a day's further time to bring on record the steps the state might have taken for implementing Guideline Nos.1 and 2 of the Directives. Till now, the record reveals that there is no definite plan as to how the violation of Guideline Nos.1 and 2 of the Directives would be dealt with. Certain provisions of the Directives were pointed out by Sri Goyal which were present in the Directives for dealing with the violation of the National Directives for COVID-19 Management but the spread of the virus has shown that those provisions were insufficient. It was, therefore, according to us imperative for the State Government

to come up with some measures which would have a deterrent effect on the people who were not ready to maintain social distancing and were also going out without wearing masks.

For this purpose, a day's time is granted to the Chief Secretary of Uttar Pradesh to bring on record the measures by which the State was contemplating enforcement of social distancing and the wearing of masks.

Further, learned Additional Advocate General produced before us the order dated 29.08.2020 by which the District Magistrate, Prayagraj had tried to involve the Corporators of the various wards of the city for implementing the Directives. In the order, we do not find any provision for enforcing the Guideline No.1 of the Directives.

On the next date, learned Additional Advocate General may produce such directions which might be issued to the Corporators to oversee the members in their wards and to see that they maintain social distancing and wear masks.

As prayed by learned Additional Advocate General, put up this petition on 02.09.2020 at 02:00 PM.

In Re: Civil Misc. Intervention Application No. Nil of 2020

Heard Sri Rahul Sahai, learned counsel appearing on behalf of the Intervening applicant Ms. Maneka Sanjay Gandhi.

By means of this application, the applicant wants recall of our order dated 28.08.2020 to the extent it directs for removal of stray cattle and stray dogs. In support of the prayer, a copy of the order of the Apex Court passed in Special Leave to Appeal (C) No.691 of 2009 has been brought on record as Annexure No.2, in which following has been observed:-

“We would also request all the High Courts not to pass any order relating to the 1960 Act and the 2001 Rules pertaining to dogs. Needless to say, all concerned as mentioned herein-above, shall carry out this order and file their respective affidavits as directed.”

Learned Counsel appearing for the intervention applicant thus contends that the matter relating to the Act of 1960 and Rules, 2001 pertaining to dogs is already subjudice before the Apex Court in the aforesaid case and, therefore, the directions issued by us may be in conflict with the observations made (supra).

Be that as it may, in view of the observations made by the Apex Court in the aforesaid case as quoted hereinabove, propriety demands us to put in abeyance that part of our order dated 28.08.2020 by which stray dogs have been sought to be removed from the city area.

Accordingly, we direct Nagar Nigam to file a proper reply to the intervention application within a period of ten days and in the meantime, we are putting in abeyance the part

of the directions contained in our order dated 28.08.2020 that provides for removal of stray dogs.

In Re: Civil Misc. Intervention Application No. 37 of 2020

In view of the order of date passed today in Civil Misc. Intervention Application filed by Ms. Maneka Sanjay Gandhi, this application may also be tagged with it.

Whenever the case is listed next, the names of Sri Rahul Sahai, Sri Amitanshu Gour and Sri Aditya Singh Parihar, Advocates shall also be shown.

In Re: Civil Misc. Intervention Application No. Nil of 2020

Intervention application filed by applicant Vishal Talwar has been served upon learned Additional Advocate General.

Learned Additional Advocate General may look into this application.

Office is directed to allot a regular number to this application.

In Re: Civil Misc. Intervention Application No. 36 of 2020

Supplementary affidavit filed in the Intervention Application be kept on record.

Learned Additional Advocate General may look into the affidavit.

Order Date :- 31.8.2020

Siddhant