

The High Court Of Madhya Pradesh

WP-6062-2020

(SUNIL KUMAR JAIN Vs THE STATE OF MADHYA PRADESH AND OTHERS)

WP/06804/2020, WP/07026/2020, WP/07068/2020

3

Jabalpur, Dated : 20-03-2020

Petitioner - Mr. Sunil Kumar Jain is present in person in W.P. No.6062/2020.

Petitioner - Mr. Amit Kumar Sahu is present in person in W.P. No.6804/2020.

Mr. Mohan Singh Chandel, Advocate for the petitioner in W.P. No.7068/2020.

Petitioner - Mr. Mukesh Dhanraj Wadhvani is present in person in W.P. No.7026/2020.

Mr. Shekhar Sharma, Additional Advocate General with Mr. Himanshu Mishra, Mr. H.K. Upadhyay, Mr. Ajay Gupta, Government Advocates for the respondents/State.

Ms. Priyanka Mishra, Executive Member of High Court Bar Association, Jabalpur (M.P.).

The Public Interest Litigations have been presented in this Court raising concern about the current situation created by the Pandemic- Corona Virus Disease (COVID-19) affecting the community at large. Petitioners have raised issues regarding prevention, cure and steps which are taken by the various Authorities and also the Courts in this regard.

Notices have been issued.

State has filed the latest status report (I.A. No. 4439/2020, which is taken on record), wherein *inter-alia* it is stated that the steps have been taken and advisory has been issued to the Educational Institutions to close down and postpone the exams which are scheduled upto 31.03.2020. It has further been stated that in the State of Madhya Pradesh, it is a first stage of Corona Virus Disease (COVID-19) for which suspects have been identified and put under observation and treatment in quarantined/isolated identified places is

undertaken by them. There are near about **64 Quarantine Centers** identified in all Districts wherein 1304 beds are available for meeting out all the possible eventualities or mishappening in this regard. Further drugs, foods and other necessary things are made available in these Quarantine Centers. There is no shortage of either drugs or any other essential articles in the Quarantine Centers. Even medical and paramedical staff has been deployed in sufficient strength in these Quarantine Centers and, therefore, all the protective measures have been put at appropriate place. Medical Bulletin dated 18.03.2020 vide Annexure D/2 has also been issued by the Directorate of Health wherein it has been reiterated that no positive case in Madhya Pradesh is found till date and only 41 samples have been sent to the Laboratory for testing, out of which 29 samples are found to be negative and reports relating to 12 samples are still awaited. Phone Number 104 has been activated for receiving the information and guidance for Novel Corona Virus Disease(COVID-19) wherein 1479 calls were attended. 11,685 passengers were screened in Indore, Bhopal Jabalpur and Gwalior Airports to ensure that there is no spread of Corona Virus disease (COVID-19) in the State of Madhya Pradesh. Ministry of Health has also issued guidelines for home isolation vide Annexure D/3. Directions have also been issued under Section 5(4) of M.P. Cinema Viniyam Adhiniyam whereby all the cinema halls, theaters and multiplexes have been directed to be closed down upto 31.03.2020 vide Annexure D/5. Necessary instructions have also been issued to the Railway Authorities to take appropriate action for prevention of Corona Virus Disease (COVID-19).

As per the status report, it has been categorically averred that necessary directives have been issued to all other Departments within the State of Madhya Pradesh.

Learned counsel representing the Bar Association has produced a copy of the order passed by the Allahabad High Court in Writ - C No.7014/2020 dated 18.03.2020 wherein certain directives as contained in para 10 thereof

have been issued. Reference was made to the following directions which reads as under:-

"10. Accordingly in our considered opinion all the concerned competent authorities both administrative and non-administrative under the State Government be issued directions restraining them from taking any coercive measures against any person or body of persons in the society so as to force him/them to approach the Court for the redressal of grievance and accordingly we issue following directions;

a. All the recovery proceedings at the end of the district administration, financial institution and other administrative bodies/authorities/agencies and otherwise at the end of the instrumentalities of the State shall be deferred for a period of two weeks i.e. till 6.4.2020.

b. All the auction proceeding, if any pending or initiated in the meanwhile, shall remain deferred for a period of two weeks i.e. till 6.4.2020.

c. The District Magistrates and the Administrative Authorities are also restrained from issuing any directions for presence of any person or persons in connection with any pending or any other proceeding for a period of two weeks i.e. till 6.4.2020.

d. No demolition exercise shall be carried out at the instance of District Administration or any authorities under the State Government/local bodies for a period of two weeks i.e. till 6.4.2020.

e. No eviction or dispossession exercise against anyone be undertaken for a period of two weeks i.e. till 6.4.2020."

Similar directions have been issued to the State Government and Municipal Corporation of Greater Mumbai as well as all Municipal Corporation in Maharashtra by the Bombay High Court by way of interim

order in WP(L) No.900/2020.

Accordingly, after hearing learned counsels representing the petitioners as well as the State of Madhya Pradesh, we issue the following directions:-

1. That the State shall ensure to defer all the recovery proceedings at the end of district administration, financial institutions and other administrative bodies/authorities/agencies under the same terms as contained in the order passed by the Allahabad High Court in para 10 quoted above.

2. Further, it is clarified that it shall be open to the State to move appropriate courts and obtain necessary orders wherever some urgency is required during the course of these days. The State shall file the latest status report in this regard.

3. Necessary steps will be taken for ensuring the cleanliness in the State of Madhya Pradesh and that there is no accumulation or collection of Garbage at the public places.

4. Public at large is requested to help the administration and ensure that public places are not used for throwing of Garbage and littering should not be done in public places. The waste of individual house should be stored in the respective houses and disposed of through collective disposal mechanism to be provided by the Administration.

Mr. Shekhar Sharma, Additional Advocate General, Mr. Himanshu Mishra, Mr. H.K. Upadhyay, Mr. Ajay Gupta, Government Advocates for the respondents/State assure the Court that the directions issued by this Court shall be strictly complied with and the State Government shall ensure that the proper and necessary instructions are issued in this regard. It was also brought to the notice of this Court that in various places in the State of Madhya Pradesh, collection of Garbage and the cleanliness is required and also in the Court premises i.e. High Court as well as District Courts within the State of Madhya Pradesh. Necessary steps shall be taken in this regard as well expeditiously.

Let a copy of this order be sent to the Registrar General forthwith who

shall forward the same to the Chief Secretary of Madhya Pradesh immediately to ensure its compliance by issuing necessary directions/circulars to all the concerned authorities in the matter throughout the State within 48 hours.

A copy of this order shall also be sent to the learned Advocate General for necessary compliance today itself.

Adjourned to 26.03.2020..

Certified copy as per rules.

(AJAY KUMAR MITTAL)
CHIEF JUSTICE

(VIJAY KUMAR SHUKLA)
JUDGE

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