
(2020) 03 OHC CK 0006

In the Orissa High Court

Case No : Writ petition (C) PIL No. 9095 of 2020

Bijaya Kumar Ragada

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 16-03-2020

Acts Referred:

Essential Commodities Act, 1955 — Section 2A(2)

Citation : (2020) 03 OHC CK 0006

Hon'ble Judges : S. Panda, J;S.K. Sahoo, J

Bench : Single Bench

Judgement

1. Heard Mr. Bijaya Kumar Ragada (petitioner) in person and Mr. Ashok Kumar Parija, learned Advocate General for the State.
2. This writ petition under Article 226 of the Constitution of India is in the nature of a Public Interest Litigation in which prayer has been made for a direction to the opp. parties to ban/cancel all the ships, aeroplanes and cargoes passing through affected areas of coronavirus (COVID-19) those are roaming nearby sea coasts in Odisha till health emergency in India is declared safe and to take preventive measures for reducing the infection of coronavirus and for proper medication, provide sanitation to the people and also to make awareness among the people about coronavirus, constitute Rapid Action Team to look and face the disease which is creating havoc and also to impose ban on celebration of any event by mass gathering.
3. On perusal of the writ petition, it appears that the All India Institute of Medical Sciences (AIIMS), Bhubaneswar is a necessary party but it has not been impleaded as a party to the writ petition.
4. The petitioner is permitted to implead the All India Institute of Medical Sciences (AIIMS), Bhubaneswar as opposite party no. 10 in Court today.
5. Issue notice to the newly added opposite party No. 10 by Speed Post with proof of delivery, for which requisites shall be filed by tomorrow (17.03.2020).

6. One extra copy of this writ petition be served on learned Advocate General as well as learned Asst. Solicitor General of the Union of India to obtain instruction in the matter.

7. The petitioner produced a notification dated 13.03.2020 issued by the Ministry of Consumer Affairs, Food and Public Distribution in which in exercise of the powers conferred by sub-section (2) of section 2A, of the Essential Commodities Act, 1955, the Central Government in order to regulate the production, quality, distribution, logistics of masks and hand sanitizers (for COVID-19 management) has included the 'masks' and 'hand sanitizers' in the schedule of essential commodities. The said notification is taken on record. It is mentioned therein that the notification shall remain in force up to 30.06.2020.

8. Since it is stated at the Bar that the masks and hand sanitizers are sold in exorbitant price and there is scarcity of such commodities in the market, let the learned Advocate General apprise this Court on the next date as to whether any step has been taken by the State Government to regulate the sale of such commodities in different parts of the State at a reasonable price and whether any notification in that respect has been issued. We also request the learned Advocate General of the State to apprise this Court as to whether any tests are being conducted for the detection of the coronavirus disease (COVID-19) in the persons who are coming to the State of Odisha in the vessels, aeroplanes passing through the counties where there is wide outbreak of such disease and also the cargoes carried in such vessels and aeroplanes and what measures have been taken by the State Government to prevent spreading of the disease.

9. List this matter on 23.03.2020.

10. A free copy of this order be handed over to learned Advocate General and learned Asst. Solicitor General.

11. Issue urgent certified copy as per rules.