
(2021) 06 MAN CK 0009

In the Manipur High Court

Case No : Public Interest litigation No. 26 Of 2021

Naresh Maimom

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 02-06-2021

Acts Referred:

Citation : (2021) 06 MAN CK 0009

Hon'ble Judges : Sanjay Kumar, J;KH. Nobin Singh, J

Bench : Division Bench

Advocate : Serto T Kom, S. Suresh, Lenin Hijam, M. Devananda,

Judgement

Sanjay Kumar (CJ)

[1] Mr. Serto T Kom, learned counsel, appears for the petitioner. Mr. S. Suresh, learned ASG, appears for the Union of India. Mr. Lenin Hijam,

learned Additional Advocate General, Manipur, appears for the State authorities, and Mr. M. Devananda, learned counsel, appears for RIMS, Imphal.

[2] Additional reply affidavit dated 01.06.2021 filed by respondent Nos. 1 & 2 and Annexures-A/1 to A/37 are taken on record. Mr. S. Suresh,

learned ASG, appearing for the Union of India, states that the reply affidavit is in the process of being signed and would be filed before the next date

of hearing.

[3] Though the State Government has initiated various measures to augment oxygen supplies and medical facilities in the State of Manipur to meet the

challenges posed by the onset of the second wave of Covid-19 pandemic, there are several issues that still remain to be addressed. RIMS, Imphal, and

JNIMS, Imphal, which are parties to this writ petition, have stated in their reply affidavits that they are running short of oxygen supplies and are not in

a position to cater to the needs of admitted Covid-19 patients. This issue needs immediate attention.

[4] Mr. Lenin Hijam, learned Additional Advocate General, Manipur, appearing for the State authorities, would seek time to look into this aspect and

file Page 1 an additional reply affidavit addressing the steps taken to meet the demands raised by these hospitals. In the meanwhile, RIMS, Imphal,

shall approach the Audit Sub- Group of Medical Oxygen for securing required oxygen supplies, in terms of Office Memorandum dated 19.05.2021

issued by the Special Secretary (Health & FW) Government of Manipur. Further, as it is stated by RIMS, Imphal, that it is also proposing to enhance

the number of ICU beds for Covid patients, it would be imperative that the State Government address the issue of meeting its demands for oxygen

supplies so as to increase the medical facilities available for treating severely affected Covid patients.

[5] A report in the newspapers today indicates that Covid Care Centres have been established by the authorities but adequate facilities are not made

available, especially in the context of supplying food to the patients admitted in such Centres. An additional reply affidavit shall be filed well before the

next date of hearing indicating the manner and method in which these Covid Care Centres have been set up and as to how the State Government

proposes to provide the required facilities to those admitted in these Centres, including supply of food where there is no family member available to

undertake this exercise. The additional affidavit shall also indicate as to how admission in these Centres would be streamlined so that patients who are

members of a single family can be adjusted in the same Centre, to the extent possible, so as to avoid inconvenience to those attending to such patients.

[6] Though the additional reply affidavit dated 01.06.2021 states to the effect that the Annexures filed therewith addressed the issue of what steps had

been taken pursuant to the order dated 16.07.2020 passed by a Division Bench of this Court in PIL No. 16 of 2020, we do not find any particular

action plan having been indicated in any of the Annexures. It would be necessary for the State to demonstrate the steps already taken, in terms of the

demands raised for medical supplies and facilities, medicines and infrastructure; the steps taken to meet such demands; and also the plan for the

future, in terms of the perceived demands that may arise for medical supplies and facilities, medicines and infrastructure and the Page 2 steps that

need to be put in place to meet such future demands, so that the State is not caught unprepared in meeting the challenges of another wave of this pandemic.

[7] As the reply affidavit dated 01.06.2021 and the Annexures filed therewith were made available to us only today morning, the contents thereof

could not be taken note of. To avoid such a situation, it is made clear that all the materials and documents, including reply affidavits, shall be filed well

before the next date of hearing and in any event, not later than 07.06.2021, with advance copies to all the other learned counsel appearing in the

matter. Copies of the reply affidavit dated 01.06.2021 and the Annexures filed therewith shall be supplied to all the appearing learned counsel.

The reply to be filed by the Union of India, shall address all aspects raised in this case, not only those mentioned in the original writ petition but also all

other issues raised by way of the reply affidavits of various respondents.

Post on 08.06.2021.

A copy of this order shall be supplied online or through whatsapp to all the learned counsel for the parties.