

(2020) 06 DEL CK 0097

In the Delhi High Court

Case No : Civil Writ Petition No. 3535 Of 2020

Rajneesh Bhaskar

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 17-06-2020

Acts Referred:

Disaster Management Act, 2005 — Section 12(i), 24(d), 34(e)

Citation : (2020) 06 DEL CK 0097

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Prateek Jalan, J

Bench : Division Bench

Advocate : Amit Mahajan, Dhruv Pande, Mini Pushkarna, Harish Kumar Khinchi, Anupam Srivastava, Dhanesh Relan, Arindam Dey

Final Decision : Disposed Of

Judgement

D. N. Patel, CJ

Proceedings of the matter have been conducted through video conferencing.

CM APPL. 12577-12579/2020

Allowed, subject to just exceptions.

W.P.(C) 3535/2020

1. This petition, styled as a Public Interest Litigation, has been preferred with the following prayers:

"a) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 3 and 4 to enforce/implement the guidelines issued by Respondent no. 1 regarding containment zone in its letter and spirit and make sure the distribution of three layer Mask among all the households/residents under existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, if declared through District Disaster Management Authority or any other Specific Committee/task force, if constituted,

for this purpose.

b) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 1 to 6 to direct the area Sub Divisional Magistrate (SDM) and District Magistrate to mention the name and contact no. of concerned officer/in-charge for ensuring supply of triple layer mask to all households as per the guidelines of MoHFW in its notification of containment zone through ASHAs/ other community health worker.

c) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 1 to 6 to make sure the distribution of at least two times free food and water among all the households/residents under existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, if declared through District Disaster Management Authority under the provision of section 12(i), section 24(d) and section 34(e) of Disaster Management of Act, 2005.

d) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 1 to 3 to ensure the appropriate financial support/ fund to the Respondents no. 4 to 6 for effective enforcement/implementation of distribution of three layer mask amongst all the residents under containment zone throughout territory of NCT of Delhi as well as free food and water twice in day under Disaster Management Act, 2005.

e) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 4 to 6 enforce/implement the guidelines issued by Respondent no. 1 regarding containment zone in its letter and spirit and make sure the Thermal screening at all entry and exit points of entire existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, if declared through District Disaster Management Authority or any other Specific Committee/task force, if constituted, for this purpose.

f) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no 1 to 6 to modify the guidelines regarding containment zone to the extent to allow exit and entry of private technical persons under essential goods and services for repairing and purchasing of AC/ Freeze/Cooler/Fan/TV /Mobile/internet Wi-Fi etc. in the house of all needy residents under existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, if declared or alternative to provide technical persons for the aforesaid services.

g) Issue an appropriate writ, direction or order directing the Respondents no. 4 to 6 to provide door to door service of essential goods and services to all needy households/residents under existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, if declared as per the guideline issued by Respondent no. 1 by appointing civil defense corps and not only at barricading/entry and exit points of containment zone.

h) Issue an appropriate writ, direction or order directing the Respondents no. 4 to 6 to provide additional online facility to all needy residents under existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, if declared for applying and getting the emergency pass for movement from containment zone as per rules.

i) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 4 to 6 to ensure visit of area SDM/DM at least once in 10 days in existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, if declared with prior information to concerned RWA and residents of containment zone and listen their problems and provide the relief.

j) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 4 to 6 to make compulsory infrared thermal screening of everyone at the gate of housing society and colony by providing free infrared thermal screening to the every RWA of the Delhi till the situation is under controlled.

k) Issue an appropriate Writ in the nature of Mandamus, direction or order directing the respondents no. 7, 8 and 9 to ensure the regular sanitization properly inside all the existing containment zone i.e. 237 till 10.06.2020 throughout the NCT of Delhi and all future containment zone, under the supervision/instruction of District Disaster Management Authority of concerned containment zone as per the guidelines issued by Respondents no. 1 in this regard."

2. Having heard the petitioner in person and looking to the facts and circumstances of the case, it appears that this petitioner is in search of several prayers including:

? free masks to all the persons in a containment zone throughout NCT of Delhi;

? two times free food and water a day to all the persons in the aforesaid zones;

? thermal screening by infrared thermometer of all persons at all entry and exit points in the aforesaid zones.

3. This petitioner has also submitted that this Court should give direction to modify the guidelines regarding containment zone to allow exit and entry of private technical persons under essential goods and services for repairing and purchasing of Air Conditioners/ Fridge/ Cooler/ Fan/ TV/ Mobile/ internet Wi-Fi etc. However, it appears that this writ petition has been preferred before this Court without any representation to the Government for varieties of prayers as stated hereinabove.

4. We hereby direct the concerned respondent authority to treat this writ petition as representation and decide the same in accordance with law, rules, regulations and Government policy applicable to the fact of the present case while keeping in

mind the priority of works to be done by the concerned respondent authority and availability of the funds with them.

5. With these directions, this writ petition is disposed of.