

(2020) 04 CAL CK 0028

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 5341 (W) Of 2020, Civil Application (CAN) No. 3009 Of 2020

Smarajit Roychowdhury

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 16-04-2020

Acts Referred:

Citation : (2020) 04 CAL CK 0028

Hon'ble Judges : Tapabrata Chakraborty, J

Bench : Single Bench

Advocate : Smarajit Roychowdhury

Final Decision : Dismissed

Judgement

Tapabrata Chakraborty, J

In view of the express undertaking of the petitioner to comply with all the formalities regarding filing including stamping of the petition immediately upon resumption of normal court business and considering the urgency involved, the application being C.A.N. No.3009 of 2020 is allowed and the writ petition is taken up for hearing dispensing with the requirements of Rule 26 of the Writ Rules and treating the same as on day's list.

Mr. Roychowdhury, learned advocate appearing in person submits that he is residing at 5/2, P.K. Roychowdhury, 2nd Bye Lane, Howrah 711103 and he is an active participant in various awareness programmes in the locality. Adjacent to the petitioner's residence there is a graveyard and that on 3rd April, 2020 the local administration allowed the dead body of one Basarat Mollah, who expired due to the virus attack, to be buried though no death certificate was produced. Such action is derogatory to the guidelines issued by the World Health Organisation pertaining to "Infection Prevention and Control for the Safe Management of a Dead Body in the Context of COVID-19". In support of such contention, he has drawn the attention of this Court to the averments made in

paragraphs 12 to 15 of the writ petition.

Mr. Roychowdhury also informs this Court that the Howrah district has recently been declared as a "hot spot" area.

He alleges that the State authorities have not taken appropriate steps as per the directives contained in the various orders as annexed to the writ petition. He ventilated such grievance to the authorities through a representation. However, the same has not been considered till date and proper steps have not been taken by the authorities. Such inaction warrants immediate interference of this Court.

In the present unprecedented situation which has occasioned due to the COVIT-19 virus, the authorities and the people at large are required to work hand in hand to avert any further disaster.

To ensure containment of the virus to the extent possible and at the same time to minimize the anxiety, agony and the threat perception, as an interim measure, this Court directs the respondents to take all necessary steps strictly in consonance with the guidelines issued by the authorities, as annexed to the present writ petition.

On the returnable date, the respondent no.5 shall file a report in the form of an affidavit apprising this Court about the developments and the steps taken.

List this matter for further consideration on 8th June, 2020.

The petitioner is directed to immediately communicate this order to the State respondents.

All parties are to act on a server copy of this order on the usual undertakings.