

(2021) 04 GUJ CK 0023
In the Gujarat High Court
Case No : R/Writ Petition (Pil) No. 53 Of 2021

Suo Motu

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 12-04-2021

Acts Referred:

Citation : (2021) 04 GUJ CK 0023

Hon'ble Judges : Vikram Nath, CJ; Bhargav D. Karia, J

Bench : Division Bench

Advocate : Kamal Trivedi, Manisha Lavkumar, Dharmesh Devnani, Chintan Dave, Devang Vyas

Judgement

Vikram Nath, CJ

1. We have heard Mr. Kamal Trivedi, learned Advocate General along with Ms. Manisha Lavkumar, learned Government Pleader and Mr. Dharmesh

Devnani and Mr. Chintan Dave, learned Assistant Government Pleaders for the State respondents and Mr. Devang Vyas, learned Additional Solicitor

General for the Union of India.

2. This matter was taken up today pursuant to the order passed by the Chief Justice on 11.04.2021, which reads as under:

1 The Division Bench presided by the Chief Justice on 06.04.2021 had a dialogue with the Senior most State Law Officers, learned

Advocate General and the learned Government Pleader expressing concern regarding the upsurge of COVID-19 cases in the State and

requesting the State to take appropriate measures in order to check & control the rise in COVID-19 cases and its management. The said

dialogue was widely reported in the media i.e. electronic, digital and print. It has

been five days since. The newspapers, news channels are flooded with the harrowing tales, unfortunate and unimaginable difficulties, unmanageable conditions of the infrastructure, the shortfall and the deficit of not only testing, availability of beds, ICU, but also supply of Oxygen and the basic medicines like Ramdesivir, etc.

2. Had it been stray news here and there, I could have ignored it but the volume of report in the leading newspapers having nationwide

circulation cannot be ignored. It is the time that the Court must intervene. A list of the articles along with xerox copies published in the past

three days is a part of this order as ANNEXURE-A. Indian Express and Times of India reports have been attached considering my language

barrier.

The aforementioned articles are just a few depicting the picture and a bare perusal of the same would indicate that the State is heading

towards a health emergency of sorts.

3. Accordingly, I direct the Registry to register this as a suo moto fresh Public Interest Litigation titled "In Re : Uncontrolled Upsurge

and Serious Management Issues in COVID Control" by impleading (1) The State of Gujarat through its Chief Secretary, Gandhinagar, (2)

Principal Secretary, Department of Medical, Health and Family Welfare, Government of Gujarat, Gandhinagar,

(3). Union of India through the Secretary, Department of Home, Government of India, New Delhi, and (4) Secretary, Department of Health,

Government of India, New Delhi. For the present, copy of this order along with xerox copies of the news reports be served today in the

office of the learned Advocate General, learned Government Pleader and learned Additional Solicitor General by email and they may also

be informed telephonically.

FURTHER ORDER

Let a Bench comprising of Chief Justice and Justice Bhargav D. Karia be constituted at C.J. Residence, tomorrow i.e. on 12.04.2021 at

11.00 a.m. Link may be generated and forwarded to the learned Advocate General, learned Government Pleader and Shri Devang Vyas,

learned Additional Solicitor General of India. The proceedings of the Chief Justice Court are livestreamed .We would request the learned

Advocate General and learned Government Pleader to inform the top bureaucrats of the State to watch the proceedings subject to their convenience, specially those impleaded in this petition.

3. Mr. Trivedi referring to various news reports attached with the aforesaid order, tried to justify the stand of the State and that the newspaper reports were not accurate in reporting except for a couple of incidents where he admitted that the State or its agencies were at fault. We would require the State to file an appropriate affidavit duly sworn by an officer of the rank of Principal Secretary placing the submissions advanced by Mr. Trivedi and further steps which the Government may take in the meantime. Such affidavit may be filed latest by evening of 14.04.2021.

4. Mr. Devang Vyas, learned Additional Solicitor General appearing for the Union of India submitted that his submissions were already ready and he would file the same within the aforesaid time.

5. Put up this matter again before us on Thursday, 15.04.2021. To be taken up at 11.00 a.m.