
(2020) 06 UK CK 0003
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 76 Of 2020

Umesh Kumar

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 09-06-2020

Acts Referred:

Citation : (2020) 06 UK CK 0003

Hon'ble Judges : Ramesh Ranganathan, CJ; R.C. Khulbe, J

Bench : Division Bench

Advocate : Gopal K. Verma, Paresh Tripathi, C.S. Rawat, Anil K. Bisht, Suyash Pant, r. S.S. Chaudhary, V.K. Kapruwan

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. Gopal K. Verma, learned counsel for the petitioner and Mr. Paresh Tripathi, learned Chief Standing Counsel appearing for the State Government and, with their consent, the Writ Petition is disposed of at the stage of admission.
2. The petitioner has invoked the jurisdiction of this Court, in larger public interest, seeking a direction to quash the order passed by the third respondent-District Magistrate, Dehradun dated 24.05.2020; for a mandamus directing the respondents not to forcibly send every air passenger to mandatory self-paid quarantine in hotels, as required by the third respondent; and to allow air passengers to stay in institutional quarantine centres/home-quarantine free of cost.
3. Mr. Gopal K. Verma, learned counsel for the petitioner, would contend that the circular instructions issued by the State Government is that air passengers, who come from select cities where the prevalence of COVID-19 disease is very high, should compulsorily undergo institutional quarantine for one week in hotels and, thereafter, for a period of two weeks as home-quarantine; as a result those, who are travelling by air to Dehradun and Pantnagar, are forced to spend huge sums

of money on boarding and lodging expenses in costly hotels; and the State Government cannot force air travellers to incur such expenditure.

4. Mr. Paresh Tripathi, learned Chief Standing Counsel appearing for the State of Uttarakhand, on instructions, states that the only restriction placed by the circular instructions, issued by the State Government, is that all those, who come to the State of Uttarakhand (either by train, road or air) from select cities where the prevalence of COVID-19 disease is very high, are required to compulsorily undergo institutional quarantine for a period of one week; it is only those, who express their disinclination to undergo institutional quarantine at the centres established by the State Government, who are given an option to stay in hotels; as these persons stay in hotels on their volition, it is for them to pay for the boarding and lodging charges in such hotels; in case they are willing to stay at the quarantine centres established by the State Government, the expenditure, towards their compulsorily quarantine for one week, shall be borne by the State Government; similar restrictions are imposed on all persons entering the State of Uttarakhand from these select cities, be it by air, train or road; it is only such of those, who choose not to stay at the quarantine centres established by the State Government, who are permitted to stay in hotels at their own cost; and such persons cannot, at the same time, claim that the State Government should bear the expenditure for their boarding and lodging at these expensive hotels.

5. The present Writ Petition is confined only to air passengers. It is unnecessary for us, therefore, to examine the validity of the option given by the State Government to persons entering the State of Uttarakhand by train or road. The scope of enquiry, in these writ proceedings, is limited to those who travel by air, from select cities in different parts of the country, to Dehradun and Pantnagar in the State of Uttarakhand.

6. In the light of the submission made by Mr. Paresh Tripathi, learned Chief Standing Counsel for the State Government, it is evident that only those, who do not wish to stay in the quarantine centres established by the State Government, who are permitted instead to stay in hotels. The State Government cannot, in such circumstances, be faulted if such air passengers have to foot their boarding and lodging bills in such hotels.

7. With a view to avoid any further controversy in this regard, we direct the respondents to obtain letters in writing, from each air passenger, indicating their option to either stay at the quarantine centres established by the State Government free of cost or, instead, to stay in hotels at their own cost. Depending on the option exercised by each of these passengers, who enter the State of Uttarakhand by air from the select cities where the prevalence of COVID-19 disease is high, they shall either undergo institutional quarantine at the centres established by the State Government free of cost or, if they choose to stay in hotels, they should be told that they must bear the boarding and lodging expenses at such hotels from their pocket, and not expect such expenditure to be incurred from the public exchequer.

8. The Writ Petition is, accordingly, disposed of. No costs.