

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

**IN THE MATTER OF:**



...PETITIONER

VERSUS

1. UNION OF INDIA

THROUGH,

THE SECRETARY,

DEPARTMENT OF HEALTH AND FAMILY WELFARE,

MINISTRY OF HEALTH AND FAMILY WELFARE,

ROOM NO. 348; 'A' WING, NIRMAN BHAVAN,

NEW DELHI-110011

...RESPONDENT NO. 1

2. MINISTRY OF HOME AFFAIRS,

GOVERNMENT OF INDIA,

THROUGH,

THE SECRETARY,

NORTH BLOCK,

NEW DELHI - 110001

...RESPONDENT NO. 2

3. NATIONAL DISASTER MANAGEMENT AUTHORITY,

THROUGH,

THE SECRETARY,

NDMA BHAWAN

A-1, SAFDARJUNG ENCLAVE

NEW DELHI - 110029

...RESPONDENT NO. 3

4. MINISTRY OF HOME AFFAIRS,

GOVERNMENT OF MAHARASHTRA,

THROUGH,

THE SECRETARY,

MANTRALAYA, MADAM CAMA ROAD,

HUTATMA RAJGURU SQUARE,

NARIMAN POINT, MUMBAI - 400032

...RESPONDENT NO. 4

5. MINISTRY OF HOME AFFAIRS,  
GOVERNMENT OF TELANGANA,  
THROUGH,  
THE SECRETARY,  
TELANGANA SECRETARIAT,  
5TH FLOOR, BURGULA RAMA KRISHNA RAO BHAVAN,  
NH 44, HILL FORT, ADARSH NAGAR,  
HYDERABAD, TELANGANA -500063

...RESPONDENT NO. 5

6. MINISTRY OF HOME AFFAIRS,  
GOVERNMENT OF ANDHRA PRADESH,  
THROUGH,  
THE SECRETARY,  
2ND BLOCK, GROUND FLOOR,  
ROOM NO:185, A.P SECRETARIAT OFFICE,  
VELAGAPUDI,  
ANDHRA PRADESH -522503

...RESPONDENT NO. 6

7. MINISTRY OF HOME AFFAIRS,  
GOVERNMENT OF GUJARAT  
THROUGH,  
THE SECRETARY,

2ND BLOCK, 2ND FLOOR,  
SACHIVALAYA, GANDHINAGAR- 382010

...RESPONDENT NO. 7

8. MINISTRY OF HOME AFFAIRS,  
GOVERNMENT OF KARNATAKA,  
THROUGH,  
THE SECRETARY,  
ROOM NO. 320, 3RD FLOOR,  
VIDHANASOUDHA, BANGALORE-01

...RESPONDENT NO. 8

9. MINISTRY OF HOME AFFAIRS,  
GOVERNMENT OF UTTAR PRADESH,  
THROUGH,  
THE SECRETARY,  
101, LOK BHAWAN, U.P. CIVIL SECRETARIAT,  
VIDHAN SABHA MARG  
LUCKNOW, UTTAR PRADESH - 226001

...RESPONDENT NO. 9

10. MINISTRY OF HOME AFFAIRS,  
GOVERNMENT OF NCT OF DELHI  
THROUGH,  
THE SECRETARY,  
NEAR, SACHIVALAYA RD,

IG INDOOR STADIUM, ITO,  
VIKRAM NAGAR,  
NEW DELHI - 110002

5  
...RESPONDENT NO. 10

11. MINISTRY OF HOME AFFAIRS,

GOVERNMENT OF MADHYA PRADESH,

THROUGH,

THE SECRETARY,

3<sup>RD</sup> FLOOR, VALLABH BHAVAN-II,

GOVT. OF MADHYA PRADESH,

4<sup>TH</sup> FLOOR, MANTRALAYA, VALLABH BHAVAN-I,

BHOPAL, MADHYA PRADESH - 462004

...RESPONDENT NO. 11

12. MINISTRY OF HOME AFFAIRS,

GOVERNMENT OF RAJASTHAN,

THROUGH,

THE SECRETARY,

JAIPUR RD, MADRAMPUR,

CIVIL LINES, JAIPUR,

RAJASTHAN -302006

...RESPONDENT NO. 12

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION  
OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE

6  
OF UNDER ARTICLE 21 OF THE CONSTITUTION OF  
INDIA.

To,

HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS  
COMPANION JUSTICES OF THE HON'BLE  
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED:

**MOST RESPECTFULLY SHOWETH: -**

1. That the petition is not guided by self-gain or for gain of any other individual person, institution, or body. There is no motive other than the larger public interest in filing this petition. Petitioner has no personal interests or individual gain, private motive or oblique reasons in filing this petition. It is totally bona-fide with the sole purpose of larger public interest and in interest of justice as the Article 21 of the Constitution of India, Section 144 of the Code of the Criminal Procedure, 1973 and Section 188 and 271 of the Indian Penal Code, 1860 are violated by the Respondents.
2. That the source of averments made in this petition is personal knowledge and information collected from various sources, including newspapers and websites. Petitioner is filing this PIL

under Article 32 of the Constitution of India in the nature of public interest litigation challenging inaction of Respondents in failing to stop the crowd from getting collected and due to their negligence the Coronavirus has spread all over the Country, which is antithesis to the Article 21 of the Constitution of India and provisions of Code of Criminal Procedure Act, 1973 and Indian Penal Code, 1860.

The Petitioner is seeking the following reliefs:

- a) Issue a writ of mandamus or other appropriate writ order or direction directing the deployment of the Military Force in each State of the Country, so that proper Lockdown can be implemented without any partiality;
- b) Issue a writ of mandamus or other appropriate writ, order and direction laying down guidelines, devising strategy to protect the fundamental rights by the Respondents and the concerned authorities who are State within the meaning of Article 12 of the Constitution of India;
- c) Issue a writ of mandamus or other appropriate writ, order and direction directing the Central Bureau of Investigation (CBI) or National Investigation Agency (NIA) to investigate the matter related to the assembly of people at various parts of the country;

- d) Issue such other appropriate writ or direction that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice.
3. That Petitioner is a citizen of India and interested in safeguarding the interest of public at large and ventilating the grievances of public regarding the issues of public importance. The Petitioner is an adult inhabitant and public-spirited person and takes lead in various issues of public interest before the authorities.
  4. That Government of States and Government of India is likely to be affected by the orders sought in this petition and they have been impleaded as Respondents. Petitioner submits that to its knowledge, no other persons, bodies, institutions are likely to be affected.
  5. That Respondent No. 1 is the Secretary of the Department of Health and Family Welfare, governed under the Government of India, Respondent No. 2 is a secretary of Ministry of Home Affairs, governed under the Government of India, Respondent No. 3 is a secretary of National Disaster Management Authority and Respondent No. 4 to 12 are the Home Ministries of Various States of India.
  6. That the cause of action for this writ petition arises out of the inaction of the Respondents in adopting a strict action by keeping



people away from forming group of more than 5 person and further the health sector people, social workers, police force is still getting attacked by the Mob. Hence this writ petition is an attempt to provide security to these sector of people by deploying Military and Special Forces in each State of India for the purpose for providing safety to the citizens of India and also by making Lockdown properly implemented in the entire country in order to stop the spread of Coronavirus and to find out the real cause of people gathering incidences, despite knowing that Lockdown is imposed and the Coronavirus is a deadly virus.

7. That there is no requirement for moving concerned government for relief sought in this petition. There is no other efficacious, economic and alternative remedy available to the Petitioner except for approaching this Hon'ble Court by way of this petition.

That Petitioner full name: Kamlakar Ratnakar Shenoy, Mobile No: 9870987359, Email Id: shenoykr2001@yahoo.co.in , Aadhaar No: 558001983770, PAN NO: AACPS7374K, Annual Income: Rs. Approx 2 lakh p.a.

8. That Petitioner has not filed any other petition either in this Hon'ble Court of in any other High Court seeking same and similar directions as prayed in this petition.

9. That there is no civil, criminal or revenue litigation, involving petitioner, which has or could have legal nexus, with the issue involved in this petition. It is totally bonafide with purpose of larger public and national interest.

**GROUND**

- A. BECAUSE the inaction of the Respondent No. 4 to 12 towards failure to secure the life of the people from Coronavirus as the gathering of thousands people were mobilized on the pretext that these gathered people wanted to go back to their native places for the lack of food and relief works being arranged for them. These gathering were allowed to be mobilized when COVID-19 cases has been rapidly increasing across India and these States has been witnessing the COVID -19 cases in multiple, in fact these States are amongst top 10 of COVID-19 affected cases.
- B. BECAUSE health sector people and social workers are continuously getting attacked all over the India, but despite various action taken by the UT's/Governments of the States against the attackers, these health sector people and social workers are still getting attacked which is causing problem in controlling Coronavirus and as per the various news, these health sector people are leaving their jobs or going for strike because of these attacks on them, therefore special forces protection is

required to these health sector people while going for testing coronavirus patients. It is also pertinent to note that the people who are quarantined or under treatment, are continuously trying to run away from the quarantine centre, hospitals etc., which is again increasing the chance of the spread of coronavirus, therefore more security needs to be increased at these places.

- C. BECAUSE as per the previous incidences of religious meetings were organized, there is an apprehension that in this month, again one religious community festival is coming and if proper Armed Force is not deployed in the Coronavirus Hotspot Areas of India, so there will be chances of more attacks on hospital sector people, social workers, police etc. and this might lead to communal clashes etc., which is not a good sign for controlling the spread of Coronavirus in India.
- D. BECAUSE in order to control the spread of coronavirus, proper Lockdown is very necessary and in order to keep the Lockdown partial and equal for each citizen, the deployment of Military Force in each State of India is very necessary. Therefore, the Military Force should be deployed as soon as possible for the benefit of the citizens of India.
- E. BECAUSE the Petitioner does not have any alternative and efficacious remedy for enforcement of his fundamental rights.

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PRAYER

It is therefore, most respectfully, prayed that this Hon'ble Court may graciously be please to:

- a) Issue a writ of mandamus or other appropriate writ order or direction directing the deployment of the Military Force in each State of the Country, so that proper Lockdown can be implemented without any partiality;
- b) Issue a writ of mandamus or other appropriate writ, order and direction laying down guidelines, devising strategy to protect the fundamental rights by the Respondents and the concerned authorities who are State within the meaning of Article 12 of the Constitution of India;
- c) Issue a writ of mandamus or other appropriate writ, order and direction directing the Central Bureau of Investigation (CBI) or National Investigation Agency (NIA) to investigate the matter related to the assembly of people at various parts of the country;
- d) Issue such other appropriate writ or direction that may be deemed to be just and equitable in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

FILED BY:

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**DUSHYANT TIWARI/**

**(OM PRAKASH PARIHAR)**

**Advocates**

**OM PRAKASH PARIHAR**

Advocate-on-record for the Petitioner

NEW DELHI

DRAWN ON: 16.04.2020

FILED ON: 18.04.2020

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**Law.in**  
ALL ABOUT LAW

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IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

**IN THE MATTER OF**

KAMLAKAR R. SHENOY ...PETITIONER

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

**AFFIDAVIT**



1. That I am the sole Petitioner in the above named and well acquainted with the facts and circumstances of the case and as such, I am competent to swear this affidavit.
2. That I have read and understood the contents of accompanying synopsis and list of dates pages (8 to 0 ) and writ petition paras (1 to 9) and pages (1 to 10) and total pages (1 to 13) which are true and correct to my personal knowledge and belief. Annexures

filed along with this petition are true/typed copies of their respective originals.

3. That I have filed this petition as a PIL. There is no personal gain, private motive or oblique reasons in filing this petition. This petition is totally bona-fide with the sole purpose of large public interest and in interest of justice.
4. That I have no personal interest in the litigation and neither myself nor any body in whom I am interested, would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This writ petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than the larger Public Interest and in interest of justice.
5. That I have gone through Article 32 of the Constitution of India and Supreme Court Rules and do hereby affirm that the present writ petition is in conformity thereof.
6. That I have done whatsoever enquiry/investigation, which was in my power to do, to collect the data/material, which was available; and which was relevant for the Court to entertain the present petition.
7. That I have not concealed any data/material/ information in this petition, which may have enabled this Hon'ble Court to form an

opinion, whether to entertain this petition or not and/ or whether to grant any relief or not.

- 8. That the averments made in this affidavit are true and correct to my personal knowledge and belief. No part of this Affidavit is false nor has anything material been concealed there from.

k.r.shenoy

DEPONENT

**VERIFICATION**

I, the above-named deponent do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

I solemnly affirm today i.e. the 17<sup>th</sup> day of April 2020 at Mumbai.

k.r.shenoy

DEPONENT

