

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) NO. 53 of 2021**

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SUO MOTU  
Versus  
STATE OF GUJARAT

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Appearance:

SUO MOTU(25) for the Applicant(s) No. 1  
MR KAMAL TRIVEDI, SR. ADVOCATE WITH MS. MANISHA LAVKUMAR,  
GOVERNMENT PLEADER WITH MR DHARMESH DEVNANI & MR  
CHINTAN DAVE, AGPs. FOR THE STATE RESPONDENTS  
MR DEVANG VYAS, LEARNED ADDL. SOLICITOR GENERAL FOR THE  
UNION OF INDIA

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**CORAM:HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM  
NATH  
And  
HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

**Date : 12/04/2021**

**ORAL ORDER  
(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM NATH)**

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 Upsilon 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.

P. SUBRAHMANYAM

**(BHARGAV D. KARIA, J)**