

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (C.) NO.            OF 2020**

[WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION]

**IN THE MATTER OF:**

Mustafa MH

... Petitioner

versus

Union of India & Ors.

... Respondents

***PAPER BOOK***

(FOR INDEX, PLEASE SEE INSIDE)

**ADVOCATE FOR THE PETITIONER: ASHISH VIRMANI [AOR**

**CODE: 2711]**

## RECORD OF PROCEEDINGS

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S.NO.	DATE OF RECORD OF PROCEEDINGS
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PAGES
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## PROFORMA FOR FIRST LISTING

SECTION-

**The case pertains to** (Please tick/check the correct Box):

- Central Act: Constitution of India
- Section: Article 14, 19 and 21
- Central Rule:
- Rules: **N/A**
- State Act: **N/A**
- Section: **N/A**
- State Rule: **N/A**
- Rule No(s): **N/A**
- Impugned Final Order: **N/A**
- Impugned Final Order/Decree: **N/A**
- High Court: **N/A**
- Names of Judges: **N/A**
- Tribunal/Authority: **N/A**

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1. Nature of Matter:
  2. (a) Petitioner: The Mobile Association  
(b) E-mail ID:  
(c) Mobile phone number:
  3. (a) Respondent No. 1: Union of India through Secretary,  
E-mail ID: **N/A**  
Mobile phone number: **N/A**  
(b) Respondent No. 2:  
E-mail ID: **N/A**  
Mobile phone number: **N/A**
  4. (a) Main category classification: \_\_\_\_\_

- (b) Sub classification: \_\_\_\_\_
5. Not to be listed before:
6. Similar/Pending matter:
7. Criminal Matters: **N/A**
- (a) Whether accused/convict has surrendered: Yes/ No
- (b) FIR No. \_\_\_\_\_ Date: \_\_\_\_\_
- (c) Police Station \_\_\_\_\_
- (d) Sentence Awarded: \_\_\_\_\_
- (e) Sentence Undergone: \_\_\_\_\_
8. Land Acquisition Matters: **N/A**
- (a) Date of Section 4 notification: \_\_\_\_\_
- (b) Date of Section 6 notification: \_\_\_\_\_
- (c) Date of Section 17 notification: \_\_\_\_\_
9. Tax Matters: State the tax effect: **N/A**
10. Special Category (first petitioner/appellant only): **N/A**
- Senior citizen > 65 years      SC/ST
- Woman/child      Disabled      Legal Aid case
- In custody
11. Vehicle Number (in case of Motor Accident Claim matters):
- N/A**
12. Decided cases with citation: **N/A**

Date: 21.03.2020

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5.	<b>Annexure P-1:</b> A true copy of the petition/memorandum dated 09.03.2020 addressed by the various citizens of Union Territory of Laddakh to the Hon’ble Minister for Foreign Affairs.	
6.	<b>Annexure P-2:</b> A true copy of the statements made by the Hon’ble Minister.	

7. **Annexure P-3:** A copy of the standards prescribed by the World Health Organization.
8. **Annexure P-4:** A list of the Indian citizens stranded in Iran and who are suspected of having contracted the Corona virus.

**Advocate for the Petitioner**

**Ashish Virmani  
AOR Code: 2711**

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**WRIT PETITION (C.) NO.            OF 2020**

**IN THE MATTER OF:**

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To,  
The Registrar,  
Supreme Court of India  
New Delhi – 110001

**URGENCY APPLICATION**

1. The Writ Petition may be treated with utmost urgency due to the nature of relief involved in view of the spread of the Novel Coronavirus (Covid-19).
2. Therefore, it is requested that the present matter may be listed for admission at the earliest before this Hon'ble Court.

**Advocate for the Petitioner**

**Ashish Virmani  
AOR Code: 2711**

**IN THE SUPREME COURT OF INDIA  
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**WRIT PETITION (C.) NO.            OF 2020**

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... Respondents

**SYNOPSIS**

That the Petitioner is constrained to move this Hon'ble Court in extreme exigency under Article 32 of the Constitution of India praying *inter alia* for issuance of an appropriate writ, order or direction including writ of mandamus for immediate evacuation of the citizens of India who are stranded in Iran, in view of the situation arising out of the spread of Coronavirus (COVID-19).

It is most respectfully submitted that the aforesaid citizens are pilgrims (mostly from a poor financial background) who had travelled to Iran and were scheduled to return weeks back.

However, in view of the situation mentioned above, they are stranded in Qom, Iran without any health/medical facilities and food supplies. Besides, they have been accommodated in hotel rooms in groups of 4-5. It is extremely important to note that the situation of spread of Corona is extremely critical in Iran. In fact, there may be as many as 250 people within the group of the aforesaid pilgrims who could be positive for Corona. In such a situation,



accommodating persons together is a serious health hazard and could lead to disastrous consequences for such pilgrims.

It is in these circumstances that the Petitioner has been instructed by the aforementioned persons to approach this Hon'ble Court for protection of their lives.

#### LIST OF DATES

<b>DATE</b>	<b>PARTICULARS</b>
December, 2019	<p>The Petitioner herein is a citizen of the Union Territory of Ladakh. His relatives namely Mohd Mussa, S/O Late Haji Ibrahim, R/O Murad Bagh Drass, Kulsum Banoo D/O Haji Abdul Rehman, R/O Murad Bagh Drass, Kargil Ladakh had travelled along with a group of about 1000 pilgrims to Iran.</p> <p>The said persons started their journey on different dates starting from December, 2019. The trip was scheduled to be for a period of three months and the pilgrims were scheduled to return on several dates starting from 26<sup>th</sup> of February. The petitioner's relatives were scheduled to return on the 6<sup>th</sup> of March. However, during the interregnum there was an outbreak of the Corona Virus.</p> <p>Resultantly, the relatives of the Petitioner as well as the other Pilgrims were stranded in Iran.</p>
March,	The Central Government was immediately

2020	contacted by these stranded Pilgrims and it was requested to conduct an evacuation.
09.03.2020	In this regard, the Petitioner relies upon a Memorandum dated 09.03.2020 addressed by the various citizens of Union Territory of Laddakh to the Hon'ble Minister for Foreign Affairs.
March, 2020	<p>As reflected in the statement of the Hon'ble Minister, various steps were taken and total number of around 389 people were evacuated from Iran which includes students as well. A team of Doctors was sent to Iran who conducted the test on 850 people. However, this process was conducted only once. Thereafter, there has not been any testing of any of the Pilgrims.</p> <p>It is most respectfully submitted that the Pilgrims include old aged persons, who suffer from ailments such as hypertension and Diabetes and require regular medical care. However, in view of the current situation they have not been able to receive proper medication. Some of them have not been even able to procure the medicines in Qom.</p> <p>Besides, the Iranian Government has accommodated the stranded passengers in various hotels – cost whereof is required to be borne by such pilgrims. Most of the pilgrims are not in a position to pay since they do not have sufficient</p>

	<p>funds available with them. As mentioned above, the pilgrims were scheduled to return much earlier. Most of the pilgrims thus had made sufficient arrangements based on the expectation that they would return on the said date. However, as on date, most of the pilgrims are out of funds and are dependent upon the philanthropy of the locals.</p> <p>Besides, the Iranian Government has accommodated the stranded passengers in various hotels – cost whereof is required to be borne by such pilgrims. Most of the pilgrims are not in a position to pay since they do not have sufficient funds available with them. As mentioned above, the pilgrims were scheduled to return much earlier. Most of the pilgrims thus had made sufficient arrangements based on the expectation that they would return on the said date. However, as on date, most of the pilgrims are out of funds and are dependent upon the philanthropy of the locals.</p> <p>It is most respectfully submitted that after the tests were conducted on stranded passengers, it was found that about 250 of the passengers are positive.</p>
21.03.2020	<p>In view of the above, it is evident that about 800 odd Indian citizens are stuck in the city of Qom and are in need of immediate help. In case, urgent help</p>

	is not provided to these Pilgrims, there are bound to be serious health hazards, which have started to become fatal and has resulted in the death of 2 Pilgrims already.
21.03.2020	Hence, the instant petition

**IN THE SUPREME COURT OF INDIA**

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**IN THE MATTER OF:**

Mustafa MH  
S/o Mohd Habib  
R/o Murad Bagh Drass, Kargil,  
Ladakh

...Petitioner

Versus

1. Union of India

Ministry of External Affairs  
South Block ,Raisina Hills  
New Delhi -110011  
Represented by the Secretary

...Respondent No.1

2 Union of India

Ministry of health & family welfare  
Nirman Bhawan  
Near Udyog Bhawan, Metro Station, Maulana  
Azad Rd, New Delhi -110011  
Represented by the Secretary

...Respondent No.2

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION  
OF INDIA FOR PASSING OF AN APPROPRIATE WRIT OF  
MANDAMUS THEREBY DIRECTING IMMEDIATE EVACUATE  
STRANDED PEOPLE FROM IRAN FOR PREVENTION OF  
SPREAD OF CORONA PANDEMIC

To

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

THE HUMBLE PETITION OF  
THE PETITIONER ABOVE -  
NAMED

**MOST RESPECTFULLY SHOWETH:**

1. That the Petitioner is constrained to move this Hon'ble Court in extreme exigency under Article 32 of the Constitution of India praying inter alia for issuance of an appropriate writ, order or direction including writ of mandamus for immediate evacuate the citizen in Iran in view of prevention of pandemic disease Coronavirus (COVID-19).
2. The Petitioner is constrained to file the present Writ Petition seeking an order of evacuation of about 850 citizens of India who are currently stranded in the city of Qom, Iran. Alternatively, a prayer is being sought for providing appropriate health/medical facilities and appropriate accommodation to such pilgrims till such time as the Respondents are in a position to evacuate them safely to India.
3. At the outset, it is most respectfully submitted that the Petitioner appreciates the efforts of the Central Government in relation to seeking evacuation of the pilgrims not only in Iran but also in other countries such as China and Italy. However, despite, such efforts the stranded citizens have not been in a position to receive appropriate health care or be evacuated.

4. Briefs facts leading to the filing of the present Writ Petition briefly be summarized as under:

- (i) The Petitioner herein is a citizen of the Union Territory of Ladakh. His relatives namely Mohd Mussa, S/O Late Haji Ibrahim, R/O Murad Bagh Drass, Kulsum Banoo D/O Haji Abdul Rehman, R/O Murad Bagh Drass, Kargil Ladakh had travelled along with a group of about 1000 pilgrims to Iran.
- (ii) The Petitioner has been instructed by the aforesaid persons to institute this petition on their behalf.
- (iii) The said persons started their journey on different dates starting from December 2019. The trip was scheduled to be for a period of three months and the pilgrims were scheduled to return on several dates starting from 26<sup>th</sup> of February. The petitioner's relatives were scheduled to return on the 6<sup>th</sup> of March. However, during the interregnum there was an outbreak of the Corona Virus
- (iv) Resultantly, the relatives of the Petitioner as well as the other Pilgrims were stranded in Iran.
- (v) The Central Government was immediately contacted by these stranded Pilgrims and it was requested to conduct an evacuation.

- (vi) In this regard, the Petitioner relies upon a Memorandum dated 09.03.2020 addressed by the various citizens of Union Territory of Laddakh to the Hon'ble Minister for Foreign Affairs. A copy the said Petition is attached herewith as **Annexure P-1**. The Government has taken steps pursuant thereto – which the Petitioner appreciates. However, despite such steps, the pilgrims have not been able to receive proper accommodation or health care. Copies of the statements made by the Hon'ble Minister are attached herewith as **Annexure P-2**.
- (vii) As reflected in the statement of the Hon'ble Minister, various steps were taken and total number of around 389 people were evacuated from Iran which includes students as well. A team of Doctors was sent to Iran who conducted the test on 850 people. However, this process was conducted only once. Thereafter, there has not been any testing of any of the Pilgrims.
- (viii) It is most respectfully submitted that the Pilgrims include old aged persons, who suffer from ailments such as hypertension and Diabetes and require regular medical care. However, in view of the current situation they have not been able to receive proper medication. Some of them have not been even able to procure the medicines in Qom.



- (ix) Besides, the Iranian Government has accommodated the stranded passengers in various hotels – cost whereof is required to be borne by such pilgrims. Most of the pilgrims are not in a position to pay since they do not have sufficient funds available with them. As mentioned above, the pilgrims were scheduled to return much earlier. Most of the pilgrims thus had made sufficient arrangements based on the expectation that they would return on the said date. However, as on date, most of the pilgrims are out of funds and are dependent upon the philanthropy of the locals.
- (x) Additionally, even the accommodation that is provided is a ‘group accommodation’ wherein 4-5 persons have been put up in a single room. The said arrangement is in gross violation of the standards prescribed by the WHO as well as other health organizations. A copy of the said standards is attached herewith as **Annexure P-3**.
- (xi) It is most respectfully submitted that after the tests were conducted on stranded passengers, it was found that about 250 of the passengers are positive. A list of such persons is attached herewith as **Annexure P-4**. It may be mentioned that there has been some confusion as to whether these persons are actually infected or not. However, the fact of the matter is that these are persons, who are in fact stranded amongst other 850 Pilgrims in the city of Qom. Given the fact that the persons have been put in an

accommodation together regardless of whether somebody is positive for Corona or not is a serious health hazard. In fact, 2 of the persons have recently died details of such persons are as under:

1. Mohd Ibrahim, S/O Hussain Mat, R/O  
Chuliskambo, Chanigund Kargil
2. Syed Muhammad, R/O Gond Mangal Pore, Kargil

(xii) At present, it is not confirmed as to whether these persons died as a result of Corona or some other ailment. Nonetheless, the fact that these persons have died indicates that they have not been receiving proper health care. It is also pertinent to note that there is no Indian consulate located in the city of Qom. That makes it even more difficult for the persons to coordinate. The Petitioner has spoken with various stranded persons who have informed him that they have not been contacted by the health officials for the last 25 days. Nor have they been provided with any medical facilities. Besides, their best efforts to reach such health official has been in vain. The stranded passengers have been repeatedly posting their grievances on social media for seeking help. Many such SOS videos have been sent so far and are doing rounds. The Petitioner craves liberty of this Hon'ble Court to produce such videos if so directed.

(xiii) In view of the above, it is evident that about 800 odd Indian citizens are stuck in the city of Qom and are in need of immediate help. In case, urgent help is not provided to these Pilgrims, there are bound to be serious health hazards, which have started to become fatal and has resulted in the death of 2 Pilgrims already.

(xiv) In these circumstances that the Petitioner has been instructed by the pilgrims to approach this Hon'ble Court for seeking appropriate measures for protection of their fundamental rights including the Rights under Article 14 and 21 of the Constitution of India.

(xv) The Petitioner has no other alternate or efficacious remedy except for approaching this Hon'ble Court.

5. That the petitioner has no adequate or equally efficacious remedy but to approach this Hon'ble Court by way of the present Writ Petition.

6. That the Present petition is made bonafide and in the interest justice concerning the cause of hundreds of citizens of the country.

7. That the annexure filed with the petition are true copies of the respective originals.

8. That the petitioner has not filed any other similar petition seeking relief.

### **PRAYER**

In view of the above, it is most respectfully prayed that this Hon'ble Court in the interest of justice may graciously be pleased to:

- a) Issue a writ of mandamus or any appropriate writ/direction the Respondents herein to immediately evacuate all the stranded Pilgrims from the city of Qom;
- b) Till such time as the requisite arrangements are made for evacuation of such passengers, the Respondents be directed to provide adequate health and medical support to the Indian citizens stranded in Iran;
- c) The Respondents be directed to ensure that the passengers are quarantined in the manner a prescribed by the WHO; and
- d) Pass such other further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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

Drawn by-

**Advocate for the Petitioner**

**Ashish Virmani  
AOR Code: 2711**

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**AFFIDAVIT**

I, Mustafa MH, S/o Mohd Habib aged .....years R/o Murad Bagh Drass, Kargil, Ladakh, presently at Delhi, do hereby solemnly affirm and state on oath as follows:

1. That I am the Petitioner in the above mentioned Writ Petition (civil) and I am well acquainted with the facts of the case based on instructions received from persons referred to in para 4 (i) of the writ petition, and hence competent to swear this affidavit in support of the Writ Petition (civil), Synopsis and List of Dates.
2. I say that the contents of accompanying Synopsis and List of Dates (Page B to ....), Writ Petition (civil) (Para... to.... and page .... to ....) are true to best of my knowledge and belief.
3. That no such or similar petition seeking similar relief has been filed by the Petitioner.
4. That the Annexure P-1 to P-\_\_\_ filed with the Writ Petition (civil) are true copies of their respective originals.

DEPONENT

VERIFICATION

Verified at New Delhi on this ..... day of March, 2020 that the facts stated herein are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

DEPONENT