

Court No. - 29

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 867 of 2020

Petitioner :- Chandra Prakash Mishra And Another

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Sushil Kumar Mishra

Counsel for Respondent :- C.S.C., Pawan Kumar Singh

Hon'ble Pankaj Mithal, J.

Hon'ble Dr. Yogendra Kumar Srivastava, J.

Heard Sri B.D. Pandey, learned counsel appearing for the petitioners and the learned standing counsel for the State respondents.

The petitioners, asserting themselves to be practicing lawyers, have preferred this petition in public interest seeking a direction upon the respondents to shift the COVID-19 Centre/Hospital situate at Gokul Sector, Kalindipuram, Prayagraj to some other place and for a further direction to manage the same properly till it is so shifted.

The principal argument sought to be canvassed by the petitioners that the Covid Care Centre is situate in the vicinity of a residential colony does not seem to be justifiable ground for shifting of a COVID Care Centre in the present scenario of steep rise in the number of COVID-19 cases. Moreover, in this era of pandemic, it is with great difficulties that such hospitals for special treatment of COVID-19 have been established by the administration and it may not be possible to shift it without effecting the mandatory health care and life saving services.

We may also take note of the fact that in terms of the various guidelines issued by the Government, COVID Care facilities have been permitted to be set up within residential colonies also to cater to pre-symptomatic, asymptomatic and mild cases with a view to reduce the burden on the existing health care facilities.

In view of the aforesaid, the petition, in so far as it relates to the shifting of the COVID Care Centre, is misconceived.

This apart matters relating to COVID-19 pandemic are being monitored by this Court in another Public Interest Litigation No. 974 of 2020. Therefore, in case petitioners have any grievance with regard to functioning of the aforesaid Covid Care Centre/Hospital, it would be open to them to move an

appropriate application in the aforementioned public interest litigation.

The petition stands disposed of accordingly.

Order Date :- 3.9.2020

Arif