

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5186/2022

(Arising out of impugned final judgment and order dated 21-10-2021 in W.P.(PIL)(SR) No. 26869/2021 passed by the High Court For The State Of Telangana At Hyderabad)

K. SREE KRISHNA

Petitioner(s)

VERSUS

THE STATE OF TELANGANA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.40853/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.40856/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-09-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application seeking permission to appear and argue in person is allowed.

The petitioner, who is a practicing advocate, filed a public interest litigation aggrieved by the executive instructions issued by the Government of Telangana on 27.3.2021 in exercise of powers conferred under the Disaster Management Act, 2005 requiring masks to be worn at all public places, work spaces and public means of transport as mandatory. He sought to make out a case that face masks do

not provide any protection from COVID-19 and making masks mandatory for general public and penalizing the general public for not wearing masks is an obsolete condition.

Further submissions which was made was that the Government of India and the State of Telangana are subjecting the citizens to unnecessary plotted measures in the name of health precautions. He seeks to also assail the carrying out of the tests.

The aforesaid petition of the petitioner was rejected by the impugned judgment dated 21.10.2021 noticing that the petitioner who appeared in person was heard at length, was not an expert in the field of virology and wanted the Court to conduct a roving enquiry in respect of measures undertaken by the Government of India as well as State of Telangana based upon the guidelines issued by the Government of India from time to time in respect of COVID-19 pandemic. The High Court has also extracted different notifications issued from time to time under the Disaster Management Act and in the end opined the petition deserves to be dismissed with heavy costs but keeping in view the totality of circumstances of the case, refrained from doing so.

We have heard the petitioner-in-person who insists that his grievance is genuine and that in any case after the initial order of the High Court, the time period should not have been extended.

We are in complete agreement with the impugned order passed by the High Court with a caveat. They should have

imposed costs on the petitioner for such a mis-conceived venture! The factum of the pandemic is known across the world. Across the world different governments have taken action and so has the Indian Government and the State Government trying to take steps to prevent the spread of the disease. It does not behove an advocate to file a public interest litigation merely because in his perception mask should not be worn. If he wants, he can sit at home without wearing the mask and not come out in the open.

We, thus, dismiss this mis-conceived petition with the costs of Rs.1,00,000/- to be deposited with the Supreme Court Advocates on Record welfare Fund within four weeks from today.

Pending application(s) stands disposed of.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER