

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE NINETEENTH DAY OF MAY, TWO THOUSAND AND TWENTY ONE
:PRESENT:

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR
AND
THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WP (PIL). No. 226 of 2020 &
WP (PIL) Nos. 85, 86, 87, 88, 89, 91, 92 and 77 of 2021

WP (PIL). 226 of 2020:

Between:

Thota Suresh Babu, S/o Rama Rao, aged 38 years, Occ. Journalist / Social Worker,
R/o 26-44-165, 7th Line, NGO Colony, Guntur City, Guntur District

....Petitioner

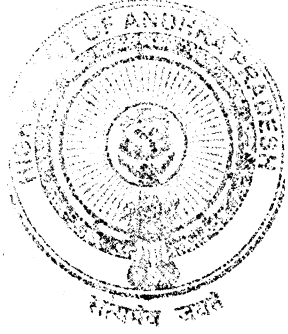
AND

1. Union of India, Rep. by its Secretary, Ministry of Health and Family Welfare, Near Udyogbhavan Metro Station, Maulana Azad Road, New Delhi-110001.
2. The Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi - 110001.
3. The State of Andhra Pradesh, Rep. by its Chief Secretary, Secretariat Buildings, Velagapudi, Guntur District.
4. The State of Andhra Pradesh,, Rep. by its Principal Secretary, Medical and Health Department, Secretariat Buildings, Velagapudi, Guntur District.
5. Directorate of Public Health and Family Welfare, Rep. by its Commissioner, Government of Andhra Pradesh, Tadepalli, Guntur District.
6. Directorate of Medical Education, Rep. by its Director, Government of Andhra Pradesh, Tadepalli, Guntur District.
7. National Pharmaceutical Pricing Authority, Rep. by its Member Secretary, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, Government of India, 3rd/5th Floor, YMCA Cultural Center Building-1, Jai Singh Road, New Delhi-1 10001.
8. Insurance Regulatory and Development Authority of India, Rep. by its Chief General Manager, Head Office at Sy.no.115/1, Financial District, Nanakramguda, Gachibowli, Hyderabad-500032.

..Respondents

Petition under Section 226 of the Constitution of India, Praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the

- (1) inaction of the Respondents in taking measures to contain the fleecing of money from public, by private hospitals in the name of COVID-19 tests and COVID-19 medical care;
- (2) laxity being shown by the Respondents in publicizing the information regarding the Govt. prescribed fees per procedure and in ensuring that Private hospitals duly display prescribed fees per procedure, in conspicuous area for information to public;
- (3) negligence shown by the Respondents in making available sufficient infrastructure availability necessary for COVID care, life saving Oxygen and Ventilators, along with adherence to all ICMR Guidelines and Fire Safety norms in all the COVID Care hospitals;
- (4) Sloppiness being shown by the respondents in ensuring that private hospitals, don't get into selective admission modes and ensuring that every patient who is in dire need gets admission for COVID-19 treatment;



(5) Insensitiveness by the respondents in provisioning ambulances for transportation of the bodies of the succumbed patients for final rites and ensuring that Govt. prescribed norms with respect to payment for final rites is followed

as inhuman, illegal, unjust and violative of the Fundamental Rights guaranteed to the Citizenry under Articles 14 and 21 of Indian Constitution and consequently direct the Respondents to take the following measures;

(1) to contain the fleecing of money from public, by private hospitals in the name of COVID-19 tests and COVID-19 medical care;

(2) to publicizing the information regarding the Govt. prescribed fees per procedure and in ensuring that Private hospitals duly display prescribed fees per procedure, in conspicuous area for information to public;

(3) in making available sufficient infrastructure availability necessary for COVID care, lifesaving Oxygen and Ventilators, along with adherence to all ICMR Guidelines and Fire Safety norms in all the COVID Care hospitals

(4) ensuring that private hospitals, don't get into selective admission modes and ensuring that every patient who is in dire need gets admission for COVID-19 treatment

(5) provide ambulances for transportation of the bodies of the succumbed patients for final rites and ensuring that Govt. prescribed norms with respect to payment for final rites is followed.

I.A. No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to effect all the Guidelines and Governmental Orders issued by the Government in treating the Covid Patients, pending disposal of WP(PIL) No. 226 of 2020, on the file of the High Court.

WP (PIL). No. 85 of 2021:

Between:

Dr. Palaparthi Subrahmanya Sastry, S/o Palaparthi Satyanarayana Rao, aged about 61 years, Occ: Doctor, R/o 9-3-14, Rail Peta, 2nd Line, Rail peta, Kothapeta, Guntur
...Petitioner

AND

1. Union of India, Rep. by its Secretary, Ministry of Health and Family Welfare, a Wing, Shastri Bhavan, New Delhi
2. Union of India, rep by its Joint Secretary, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, A Wing, Shastri Bhavan, New Delhi
3. The State of Andhra Pradesh, re by its Principal Secretary, Department of Ministry of Health and Family Welfare, Secretariat Building, Secretariat, Amaravati, Guntur District
4. Serum Institute of India Pvt Ltd., Regd Office at 212/2, Hadapsar, Pune, Maharashtra-411028, Rep by its Chief Executive Officer,
5. Bharat Biotech, Regd. Office at Genome Valley, Shameerpet, Hyderabad, Telangana-500078, rep by its Chairman and Managing Director

Respondents

Petition under Section 226 of the Constitution of India, Praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue any order, direction or Writ, one in the nature of Mandamus:

- a) Direct the 1st respondent to deregulate the supply of essential drugs such as Remdesivir so as to enable the State to access the same from the manufacturers or in the alternative to direct the 1st and 2nd Respondent to forthwith allocate sufficient number of vials of Remdesivir and Tocilizumab to the State of Andhra Pradesh, per day;
- b) to direct the 1st Respondent to ensure supply of oxygen of the quantity of 700 MT per day in view of the anticipated increase in covid infections in the State of A.P ., and also enable resources for the securing of the same.
- c) direct the respondents manufacturers 4 and 5 to supply the required vaccines for Covid 19 direct to the State, without being hindered by the policy framework of the Union of India in regard to the requirement of the State of Andhra Pradesh;

I.A. No. 1 of 2021 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.1 to supply oxygen of 700 Mt to the State along with the sufficient vials of Remdesivir and Tocilizumab, pending disposal of WP(PIL) No. 85 of 2021, on the file of the High Court.

I.A. No. 2 of 2021 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 4 & 5 i.e, manufacturers of vaccines to supply vaccines to the State of Andhra Pradesh as sought without being regulated by the quantities and framework prepared by the 1st respondent, pending disposal of WP(PIL) No. 85 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Ashok Ram .V. Advocate for the Petitioner, Sri N. Harinath, Asst. Solicitor General for Respondent No.1, and 2 and GP for Medical and Health for Respondent No.3,

WP(PIL): 86 OF 2021

Between:

Karukola Simhachalam, S/o Nandesu(Late), Hindu, Aged 44 years, Occ. Advocate, High Court of Andhra Pradesh, D.No. 000, Tolusurupalli Village, Tekkali (Post & Mandal), Srikakulam District-532201, Andhrapradesh. R/o, Flat. No. 305, A-Block, Prime Galaxy Apartments, Prakasham Barriage, Mangalagiri Road, Dolas Naga, Tadepalli-522501, Cell- 9949448557.(Aadhaar.No. 364526017655)

...Petitioner/Party In person

AND

1. Union of India, Represented by its Secretary, Health & Family Welfare Department, 'A' Wing Shastri Bhawan, Rajendra Prasad Road, New Delhi, Delhi - 110001.
2. The State of Andhra Pradesh, Rep. by its Principle Secretary, Health & Family Department, Velagapudi, Amaravati, Andhra Pradesh.
- 3 The Director, Drugs Control Administration, D.No.25-16-116/1B, 1st Floor, Behind Gowtham Hero, Chuttugunta, Guntur-522004.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed in this petition, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus:

(i).To direct the Union and the State Government to steps taken putting control on black marketing of medicines (like Remdesivir, favipiravir and other related medicines) and Oxygen, in the meanwhile, to maintain the adequate supply of the life saving drugs to treat the persons affected from Covid- 19 Virus.

(ii).To direct the Union and the State Government to maintain the adequate supply of oxygen in different hospitals both Government as well as Private with fixed rates.

(iii).To direct the Union and the State Government to increase bed strength in hospitals and to provide more vaccination to eligible beneficiaries in Andhra Pradesh state.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Union and the State Government to steps taken putting control on black marketing of medicines (like Remdesivir, favipiravir and other related medicines) and Oxygen, in the meanwhile, to maintain the adequate supply of the life saving drugs to treat the persons affected from Covid-19 Virus, pending disposal of WP(PIL) 86 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Karukola Simhachalam Advocate for the Petitioner, Sri N. Harinath, Asst. Solicitor General for Respondent No.1, and GP for Medical and Health for Respondent Nos. 2 & 3.

WP(PIL):87 OF 2021

Between:

All India Lawyers Union (AILU), Andhra Pradesh State Committee, Rep. by its President, Sri Sunkara Rajendra Prasad, S/o. Ramakotaiah, Aged about 64 years, R/o. D.No. 33-14-2A, Kadiyala Vari Street, Seetarama Puram, Vijayawada Urban, Krishna District - 520 002.

..Petitioners

AND

1. The Union of India, Ministry of Home Affairs, Rep. by its Home Secretary, North Block, New Delhi - 110001.
2. The Union of India, Ministry of Health and Family Welfare, Rep. by its Secretary, Near Udyogbhavan Metro Station, Maulana Azad Road, New Delhi-110001.
3. The State of Andhra Pradesh, Rep. by its Chief Secretary, Secretariat Buildings, Velagapudi, Guntur District.
4. The State of Andhra Pradesh, Rep. by its Principal Secretary, Medical and Health Department, Secretariat Buildings, Velagapudi, Guntur District.
5. Directorate of Public Health and Family Welfare, Rep. by its Commissioner, Government of Andhra Pradesh, Tadepalli, Guntur District.
6. Directorate of Medical Education, Rep. by its Director, Government of Andhra Pradesh, Tadepalli, Guntur District.
7. Special Chief Secretary to Government, HM & FW Dept. cum Chairman for State Level Committee for procurement and logistic issues, Covid-19.
8. National Pharmaceutical Pricing Authority, Rep. by its Member Secretary, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, Government of India, 3rd 5th Floor, YMCA Cultural Center Building-1, Jai Singh Road, New Delhi-110001.
9. Insurance Regulatory and Development Authority of India, Rep. by its Chief General Manager, Head Office at Sy.no.115/1, Financial District, Nanakramguda, Gachibowli, Hyderabad-500032.
10. Medical Council of India, Rep. by its Secretary, Pocket- 14, Sector - 8, Dwarka Phase -1, New Delhi - 110077.
11. Medical Council of Andhra Pradesh, Rep. by its Chairman, 2nd Floor Dr. NTR University of Health Sciences, ESI Rd, Vijayawada, Andhra Pradesh - 520008.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed in this petition, the High Court may be pleased to issue a Writ Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents

- 1) In Ensuring full compliance of the public to the Covid protocol behaviour in gatherings of family / religious / political or otherwise.
- 2) In taking over the corporate Hospitals and private medical institutions, for the purpose of treatment of Covid-19 patients.
- 3) In taking urgent steps to ramp up the medical staff for providing effective treatment to Covid-19 patients.
- 4) In increasing the awareness to the public as to where to look for availability of beds, and also ensure dashboards availability at the State Level and District Level, for objective decision making.
- 5) In ensuring proactively, the availability of Vaccines in sufficient quantity with, realistic estimates to procure vaccination vials and administer Vaccinations seamlessly.
- 6) In ensuring that Disabled, senior citizens and Sick are vaccinated, at their homes by constructively utilizing the Ward Volunteer system.
- 7) In ensuring universal free vaccination to all the people irrespective of their age in the State of Andhra Pradesh.
- 8) In providing the life saving drugs like FAVIPRAVIR Tab, REMDESIVIR Inj, TOCILIZUMAB Inj., MEROPENAM Inj, to the Hospitals directly instead of supplying through the dealers, linking the said drugs with the Aadhar card, to prevent the black marketing and in providing Oxygen.
- 9) to close all the function halls, Cinema Halls, Malls and Bar and Restaurants, which are Causing hot spot for spreading carona virus, in the state till the normalcy reached and
10. In ensuring that the insurance companies provide cashless treatment for Covid-19 patients despite having contract for the same, as illegal, arbitrary, unjust and violative of the fundamental rights of citizens.

and consequently direct the respondents to

- 1) to Ensure full compliance of the public to the Covid protocol behaviour in gatherings of family / religious / political or otherwise.
- 2) to take over the corporate Hospitals and private medical institutions, for the purpose of treatment of Covid-19 patients.
- 3) to take urgent steps to ramp up the medical staff for providing effective treatment to Covid-19 patients.
- 4) to increase the awareness to the public as to where to look for availability of beds, and also ensure dashboards availability at the State Level and District Level, for objective decision making.
- 5) to ensure proactively, the availability of Vaccines in sufficient quantity with, realistic estimates to procure vaccination vials and administer Vaccinations seamlessly.
- 6) to ensure that Disabled, senior citizens and Sick are vaccinated, at their homes by constructively utilizing the Ward Volunteer system.

- 7) to ensure universal free vaccination to all the people irrespective of their age in the State of Andhra Pradesh.
- 8) to provide the life saving drugs like FAVIPRAVIR Tab, REMDESIVIR Inj, TOCILIZUMAB Inj., MEROPENAM Inj, to the Hospitals directly instead of supplying through the dealers, linking the said drugs with the Aadhar card, for preventing the black marketing to provide Oxygen
- 9). to close all the function halls, Cinema Halls, Malls and Bar and Restaurants, which are Causing hot spot for spreading carona virus, in the state till the normalcy reached and
- 10) to ensure that the insurance companies provide cashless treatment for Covid-19 patients despite having contract for the same.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

- 1) to Ensure full compliance of the public to the Covid protocol behaviour in gatherings of family / religious / political or otherwise.
- 2) to take over the corporate Hospitals and private medical institutions, for the purpose of treatment of Covid-19 patients.
- 3) to take urgent steps to ramp up the medical staff for providing effective treatment to Covid-19 patients.
- 4) to increase the awareness to the public as to where to look for availability of beds, and also ensure dashboards availability at the State Level and District Level, for objective decision making.
- 5) to ensure proactively, the availability of Vaccines in sufficient quantity with, realistic estimates to procure vaccination vials and administer Vaccinations seamlessly.
- 6) to ensure that Disabled, senior citizens and Sick are vaccinated, at their homes by constructively utilizing the Ward Volunteer system.
- 7) to ensure universal free vaccination to all the people irrespective of their age in the State of Andhra Pradesh.
- 8) to provide the life saving drugs like FAVIPRAVIR Tab, REMDESIVIR Inj, TOCILIZUMAB Inj., MEROPENAM Inj, to the Hospitals directly instead of supplying through the dealers, linking the said drugs with the Aadhar card, for preventing the black marketing and to provide Oxygen
- 9). to close all the function halls, Cinema Halls, Malls and Bar & Restaurants, which are Causing hot spot for spreading carona virus, in the state till the normalcy reached and
- 10) to ensure that the insurance companies provide cashless treatment for Covid-19 patients despite having contract for the same, pending disposal of WP(PIL) 87 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Prabhunadh Vasireddy Advocate for the Petitioner, Sri N. Harinath, Asst. Solicitor General for Respondent Nos.1 & 2; and GP for Medical and Health for Respondent Nos. 3 to 7,

WP(PIL):88 OF 2021

Between:

In re: Treatment of Covid infected patients in Private Multi-Specialty and Super-Specialty Hospitals in Vijayawada.

AND

1. The Chief Secretary to the Government of Andhra Pradesh, A.P. Secretariat, Velagapudi, Guntur District.
2. The Principal Secretary to the Government of Andhra Pradesh, Medical and Health Department, A.P. Secretariat, Velagapudi, Guntur District.
3. The District Collector, Krishna district at Vijayawada.

... Respondents

Petition under Article 226 of the Constitution of India praying this Hon'ble Court to issue a writ in the nature of writ of mandamus calling for the remarks and records from the Respondents in connection with the deaths of number of people due to lack of oxygen, ventilators, medicine and to issue necessary directions for treatment of Covid infected patients in the private Multi Specialty and Super Specialty Hospitals in Vijayawada and the matters connected therewith and to issue such other or further directions as this Hon'ble Court deems fit and proper.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein and upon hearing the arguments of GP for Medical and Health for Respondents Nos. 1 & 2.

WP (PIL). No. 89 of 2021:

Between:

Vallabhaneni Ramprasad, S/o Sri V Subba Rao, Aged about 74 years, Occ- Doctor, R/o D.No. 29-1-12, Donakal Road, Vijaywada, Krishna District, A.P - 520002 SB A/c.N 052310011011961 Union Bank of India, PAN No.ADHPR2205E Aadhaar No.849701252221

...Petitioner

AND

1. The Government Of India,, Rep. by its Secretary, Ministry of Health and Family Welfare, Nirman Bhavan, NewDelhi - 110011.
2. The Secretary, Department of Home, Government of India, New Delhi.
3. The Joint Secretary, Ministry of Health & Family Welfare, Government of India. Room No.244, A –Wing, Nirman Bhavan, New Delhi- 11001.
4. The Secretary, Department for Promotion of Industry & Internal Trade (DPII), New Delhi.
5. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Health Medical and Family Welfare Department, Building No.5 , Ground Floor, A.P. Secretariat, Velgapudi, Amaravathi - 522 234. Andhra Pradesh

Petition under Section 226 of the Constitution of India, Praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue writ of mandamus or any other appropriate writ, order or direction declaring the by the action of the respondents No. 1 to 4 in not allotting Oxygen from nearer distance and driving the State to take oxygen from Orissa at far distance of 360 Kms, 500 Kms, 760 Kms instead of the nearby producers Like Steel plant at Bellary, Inox Sriperumbadar, thereby denying the state of its daily minimal allotment, not increasing the daily allotment of Oxygen to 800 mts, not Establishing (Pressure Swing Adsorption) PSA Oxygen Plants to the State of Andhra Pradesh, despite the spike in the demand for Oxygen and the present 2nd Wave Crisis and the forth coming 3rd Wave, not Providing the essentials. drugs i.e., Remedesivir and Tocilizumb Vials inspite of the increasing

cases of Corona/Covid-19 in the State Of Andhra Pradesh, not Providing the Vaccines to the public of Andhra Pradesh as illegal, arbitrary and violative of Article 14, 16 and 21 of the constitution of India and consequently direct the respondents No. 1 to 4 to allot Oxygen from nearer distance Like Steel Plant at Bellary, JSW, Inox Sriperumbadar of Karnataka instead of driving the State to take oxygen from Orissa at far distance of 360 Kms, 500 Kms, 760 Kms, to increase the daily allotment of Oxygen to 800 mts, permit Establishing (Pressure Swing Adsorption) PSA Oxygen Plants to the State of Andhra Pradesh and provide the essentials drugs i.e., Remedesivir and Tocilizumb Vials in view of the increasing cases of Corona/Covid-19 in the state of Andhra Pradesh

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents .No. 1 to 4 to allot Oxygen from nearer distance Like Steel Plant at Bellary, JSW, Inox Sriperumbadar of Karnataka instead of driving the State to take oxygen from Orissa at far distance of 360 Kms, 500 Kms, 760 Kms, to increase the daily allotment of Oxygen to 800 mts, permit Establishing (Pressure Swing Adsorption) PSA Oxygen Plants to the State of Andhra Pradesh and provide the essentials drugs i.e Remedesivir and Tocilizumb Vials in terms of the demand in view of the increasing cases of Corona/ Covid-19 in the State Of Andhra Pradesh, pending disposal of the WP(PIL) 89 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri G.R. Sudhakar, Advocate for the Petitioner, and GP for Medical and Health for Respondent No1, 3 & 5 and GP for Home for Respondent No.2..

SUO MOTU WP (PIL) 91 of 2021:

In Re: Death of 12 Covid patients for non-providing of Oxygen in Hindupur Government Hospital, Ananthapur District.

AND

1. The State of Andhra Pradesh, Rep. by Chief Secretary, Secretariat, Velagapudi, Amaravathi, Andhra Pradesh
2. The Principal Secretary, Medical and health Department, Government of A.P. Secretariat, Amaravathi. Guntur District, Andhra Pradesh
3. The District Collector, Ananthapur District. Andhra Pradesh
4. The District Medical & Health Officer, Ananthapur District, Andhra Pradesh
5. The Superintendent, Government Hospital, Hindupur, Ananthapur District, Andhra Pradesh.

..... Respondent/Contemnor

Petition under Article 226 of the Constitution of India praying this Hon'ble Court to issue a writ in the nature of writ of mandamus calling for the records from the Respondents in connection with the death of twelve (12) Covid patients in Government Hospital, Hindupur, Ananthapur District, due to non-providing of oxygen; and to provide financial assistance to the families of the deceased persons; and also to issue necessary directions for treatment of Covid infected patients, including with Oxygen, ventilators and other medical equipment in the Government Hospital, Hindupur;

The petition coming on for hearing, upon perusing the petition and affidavit filed herein and upon hearing the arguments of and GP for Medical and Health for Respondent Nos. 1,2 & 4, and GP for Revenue for Respondent No.3.

WP(PIL):92 OF 2021

Between:

In Re: Violation of Covid-19 protocol at Six identified vaccination Centers in Kurnool city on 8-5-2021 and, especially, non-administration of II Dose vaccine to the petitioner, his friend and others at Regional Eye Hospital, and UPHC of Weakners' section colony etc in Kurnool District.

AND

1. The State of Andhra Pradesh, Rep. by Chief Secretary, Secretariat, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Principal Secretary, Medical and Health Department, Government of A.P.Secretariat, Amaravathi, Guntur District, Andhra Pradesh.
3. The District Collector, Kurnool, Kurnool District. Andhra Pradesh
4. The District Medical & Health Officer Kurnool, Kurnool District, Andhra Pradesh.
5. The Superintendent, Regional Eye Hospital, Kurnool District, Andhra Pradesh.

...Respondents/Contemnor

Petition under Article 226 of the Constitution of India praying this Hon'ble Court to issue a writ in the nature of writ of mandamus calling for the records from the Respondents, in connection with violations of Covid-19 protocol at Six identified vaccination Centers in Kurnool city on 8-5-2021 and, especially, non-administration of II Dose vaccine to the petitioner, his friend and others at Regional Eye Hospital, and UPHC of Weakners' section colony etc., in Kurnool District; and to issue necessary directions for administering II dose of vaccination to the General Public; particularly II Dose vaccination in Kurnool District, by following Covid-19 protocol; and to issue such other or further directions as this Hon'ble Court deems fit and proper.

The petition coming on for hearing, upon perusing the petition and affidavit filed herein and upon hearing the arguments of GP for Medical and Health for Respondent Nos. 1, 2 & 4, GP for Revenue for Respondent No.3.

WP (PIL). No. 77 of 2021:

Between:

The Andhra Pradesh Civil Liberties Association (APCLA), IInd Floor, Malisetty Subbarao Apartment, Opp Masjid, Polakampadu, Undavalli Village, Tadepalli Mandal, Guntur District. rep by its Joint Secretary, Bodepally Mohana Rao, S/o. Chinna Babu, aged 69 years, R/o D No 4-3-1/1, Poojaripeta, Amadavalasa, Srikakulam, District, AP

....Petitioner

AND

1. The State of Andhra Pradesh, Rep .by Its Chief Secretary, Secretariat, Amaravathi, Andhra Pradesh.
2. The PRL.SECY (MRC) Secretary- Covid 19 (Management and Vaccination), Principal Secretary to The Government, HMFWD dept.
3. The Principal Secretary, Health Medical and Family Welfare Department Government of Andhra Pradesh, Secretariat, Amaravathi.
4. The Union of India, rep by its union Home Secretary And Chairman National Executive Committee, North Block, New Delhi, 110001.

....Respondents

Petition under Art. 226 of Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue Writ or Order or direction, more particularly, one in the nature of Writ of Mandamus declaring the action of the respondents in not implementing the guidelines issued by Ministry Of Home Affairs on 23-3-2021 vide 40-3/2020-DM-I(A) to impose Covid-19 pandemic restrictions on huge public gatherings , increasing daily tests and not giving directions to maintain social distance in public places, state instrumentalities, Corporations etc, public gatherings, not taking steps for preparedness of covid-19 second wave, clinical facilities and not considering the Representation of the Petitioner Association dated 12-4-2021 as illegal, arbitrary and violation of Articles 14 & 21 of the Constitution of India apart from contrary to Public Interest and

consequently direct the Respondents to announce and implement guidelines, measures to maintain social distance in public places, state instrumentalities, Corporations etc, Restrict the huge mass events and gatherings, functions etc, promote covid-appropriate behavior and increase the number of daily tests, keep the clinical facilities, medical infrastructure, medicine ready, in view of the outbreak of 2nd wave of COVID-19 keeping in view the interest of people of the State of Andhra Pradesh.

I.A. No. 2 of 2021:-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to update the AP State Disaster Management plan by preparing a detailed and suitable plan under the provisions of Disaster Management Act, 2005 to combat the Covid-19 pandemic immediately, pending disposal of WP(PIL) No. 77 of 2021, on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petition and affidavit filed herein and order of High Court dt.28-04-2021 & 06-05-2021 made herein and upon hearing the arguments of Sri Srinivasa Rao Narra, Advocate for the Petitioner in WP (PIL) 226 of 2020, Sri Ashok Ram.V, Advocate for the Petitioner in WP (PIL) No. and Sri Suresh Kumar Potturi, Advocate for the Petitioner in WP (PIL) 77 of 2021, and Sri P. Sudhakara Reddy, Addl. Advocate General and Sri N. Harinath, Asst. Solicitor General of India for the Respondents in WP. No. 226 of 2020 and Sri S. Sriram, Advocate General and Sri C. Sumon, GP for the State in WP (PIL). No. 77 of 2021, the Court made the following.

ORDER :-

Pursuant to an order dated 17.05.2021, a memo came to be filed by the Advocate General along with documents explaining the queries raised by the court. Sri N. Harinath, learned Assistant Solicitor General of India, also filed a memo enclosing the counter filed by Union of India in the Supreme Court, which, according to him, explains all the factual and legal aspects.

In so far as the supply of more oxygen to the State of Andhra Pradesh is concerned, it is submitted by Sri N. Harinath, learned Assistant Solicitor General of India, that as on 06.05.2021 the total quantity of oxygen supplied to the State of Andhra Pradesh was 450 MTs, which was later enhanced to 580 MTs. At this stage, the counsel appearing for the petitioner submits that though the number of covid cases are less in the State of Telangana, when compared to the State of Andhra Pradesh, quantity of oxygen supplied to the State of Telangana is around 690 MTs. In view of the above, a request is made to give a direction to the Central Government for enhancement of allocation of the oxygen to State of Andhra Pradesh. Sri N. Harinath submits that the matter is seized by the Hon'ble Supreme Court with regard to allocation of quantity of oxygen to each of the State, but,

however, submits that he will convey to the Central Government the request made, having regard to the number of cases in the State of Andhra Pradesh and see that there will be increase in allocation, more so, having regard to the letter addressed by the Hon'ble Chief Minister of Andhra Pradesh seeking 800 MTs of oxygen.

In so far as supply of Remedesivir vials are concerned, he would submit that about 281257 vials were supplied to the State of Andhra Pradesh till 16.05.2021, but the same is disputed by Sri C. Sumon, learned Special Government Pleader appearing for the State, stating that quantity of Remedesivir vials received were only 90000, but, however, seeks time to verify the same. He also submits that the Government recently received a letter from the Central Government, wherein 375000 vials of remedesivir injections are sought to be supplied. He further submits that all measures have been taken for supply of remedesivir injections to the hospitals where there is need.

Coming to the establishment of PSAs, Sri N. Harinath would submit that the task of establishing the PSAs have been entrusted to DRDO and that the Central Government has allocated establishment of 42 PSAs in hospitals. When questioned as to when they are likely to be installed, he submits that 15 of PSAs would be established/installed by first week of June, 2021.

In so far as the functioning of the Nodal Officers are concerned, Sri C. Sumon, learned Special Government Pleader, submits that Help Desk Managers were asked to update the availability of the beds to the Central Monitoring System. He further submits that the Help Desk Managers and also Nodal Officers are attending to the needs of the attendants of the patients and also making them talk with the patients through video conference. According to him, Andhra Pradesh Covid Dashboard website would indicate the number of beds available. He further submits that a methodology is being worked out for establishing a centre in every District and also at the Mandal level, whereby one can get information about the availability of the beds in all the hospitals in the State. He submits by the next date of hearing necessary information will be furnished in this regard.

At this stage, Sri Y.V. Ravi Prasad, learned Senior Counsel appearing as *Amicus Curiae*, would submit that in the earlier memo filed, it has been stated that permanent telephone numbers are made available at each of the Hospital, instead of personal numbers of each of the Nodal Officers, but no details are furnished. Hence, he requests the learned Special Government Pleader to publish the list of telephone numbers available at each of the hospital. Since this being a very important issue, we hereby direct the authorities concerned to forthwith publish the telephone numbers of each of the hospital by which one can come into contact with Nodal Officers or the Help Desk Managers.

In so far as the payment of excess bills is concerned, a suggestion is given by Sri Prabhunath Vasireddy, learned counsel for the petitioner in W.P. (PIL) No.87 of 2021 that instead of paying the money directly at the counter of the Hospital, the same can be routed through the Nodal Officer/Help Desk Manager, so that in case of excess billings, the same can be checked at that stage itself.

This suggestion, in our view, will definitely check collection of excess money or excess billing contrary to Government guidelines. At this stage, Mr. C.Sumon submits that routing of money through a Government employee again may at times lead to some problems. But, if a proper register is maintained at the counter and if payment of money is routed through a Nodal Officer by taking a signature of the patient/attendant of the patient in the said register, payment of hospital expenses as per the Government guidelines can be maintained. Hence, we direct the authorities concerned to look into this matter and work out modalities forthwith to see that payments made at the hospitals are either routed through Nodal officer or through Help Desk Manger under a proper acknowledgement from the patient/attendant of the patient or from the person making the payment. If such a practice is followed, the grievance expressed by one of the petitioner that bodies are not being handed over till the amount, as demanded by the hospitals are paid, can be avoided.

Sri Suresh Kumar Potturi, learned counsel for the petitioner in W.P. (PIL) No.77 of 2021, submits that though relaxation of lock down is only for few hours, but one can

notice huge gathering outside the shops and more particularly before the liquor shops. He submits that this huge gathering, at times, can be one of the reasons for spread of virus. He submits that necessary steps should be taken to curtail gatherings at these shops.

When asked as to whether any punishment can be imposed, Sri C. Sumon submits that a G.O. was issued where fine was directed to be imposed if one does not wear a mask. A suggestion fell from one of the petitioner that the shop owner may be given a direction to see that the persons gathering in front of his shop maintain strict covid protocols. We feel that it may be difficult for the shop owners to see that covid guidelines are followed by the persons gathered at his shop, as every one would be anxious to purchase their things at the earliest point of time. However, we direct the authorities to look into this aspect and see that Police Constable is posted before a shop where normally a huge gathering is seen. The said Constable can be asked to take steps for implementation of the Covid Protocols mainly wearing of masks and maintaining social distance.

Coming to the establishment of covid care centres, Sri Y.V. Ravi Prasad, learned Senior Counsel, would contend as most of the covid care centres are stationed in the outskirts of the town, it is practically difficult for the covid infected persons to stay in those centres. He submits that in Guntur and Vijayawada most of the covid care centres are situated in the outskirts of the town. On instructions, the Special Government Pleader submits that as per the guidelines issued by the Government a covid care centre can be established within a travel time of 20 minutes to the nearest hospital. According to him, most of the covid care centres are established in terms of the guidelines given. But, however, we direct the Special Government Pleader to discuss with the authorities for establishing covid care centres within the town area, if permissible, so that the same will be accessible to every one and one can avoid difficulty in travelling. The Special Government Pleader shall also find out as to whether any transport facilities are available for transporting covid patients to the nearest covid hospitals in times of need.

Sri G.R. Sudhakar, learned counsel for the petitioner in W.P. (PIL) No.89 of 2021, submits that though an application is made long ago by the State for supply of 50 Cryogenic Tankers and 10 oxygen tankers, the same is still pending consideration and that the Central Government has not taken any decision in this aspect. We request Sri N. Harinath, learned Assistant Solicitor General of India, to get necessary instructions in this regard.

List the matter on 27.05.2021.

Sd/- K. Tata Rao
ASSISTANT REGISTRAR

//TRUE COPY//


for ASSISTANT REGISTRAR

To

1. The Secretary, Ministry of Health and Family Welfare, Near Udyogbhavan Metro Station, Maulana Azad Road, Union of India, New Delhi-110001.
2. The Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi - 110001.
3. The Chief Secretary, Secretariat Buildings, State of A.P., Velagapudi, Guntur District.
4. The Principal Secretary, Medical and Health Department, State of A.P., Secretariat Buildings, Velagapudi, Guntur District.
5. The Commissioner, Directorate of Public Health and Family Welfare, Government of Andhra Pradesh, Tadepalli, Guntur District.
6. The Director, Directorate of Medical Education, Government of Andhra Pradesh, Tadepalli, Guntur District.
7. Member Secretary, National Pharmaceutical Pricing Authority, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, Government of India, 3rd/5th Floor, YMCA Cultural Center Building-1, Jai Singh Road, New Delhi-110001.
8. The Chief General Manager, Insurance Regulatory and Development Authority of India, Head Office at Sy.no.115/1, Financial District, Nanakramguda, Gachibowli, Hyderabad-500032.
9. The Principal Secretary to The Government, PRL.SECY (MRC) Secretary-Covid 19 (Management and Vaccination), HMFWD dept, Velagapudi, Amaravati
10. The Union Home Secretary and Chairman National Executive Committee, North Block, Union of India, New Delhi, 110001.
11. The Joint Secretary, Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers, A Wing, Shastri Bhavan, Union of India, New Delhi
12. The Chief Executive Officer, Serum Institute of India Pvt Ltd., Regd Office at 212/2, Hadapsar, Pune, Maharashtra-411028,
13. The Chairman and Managing Director, Bharat Biotech, Regd. Office at Genome Valley, Shameerpet, Hyderabad, Telangana-500078,
14. The Director, Drugs Control Administration, D.No.25-16-116/1B, 1st Floor, Behind Gowtham Hero, Chuttugunta, Guntur-522004.
15. The Special Chief Secretary to Government, HM & FW Dept. cum Chairman for State Level Committee for procurement and logistic issues, Covid-19.A.P., at Velagapudi
16. The Secretary, Medical Council of India, Pocket- 14, Sector - 8, Dwarka Phase - 1, New Delhi - 110077.
17. The Chairman, Medical Council of Andhra Pradesh, 2nd Floor Dr. NTR University of Health Sciences, ESI Rd, Vijayawada, Andhra Pradesh - 520008.

18. The District Collector, Krishna district at Vijayawada.
19. The Secretary, Department for Promotion of Industry & Internal Trade (DPII), New Delhi.
20. The District Collector, Ananthapur District. Andhra Pradesh
21. The District Medical & Health Officer, Ananthapur District, Andhra Pradesh
22. The Superintendent, Government Hospital, Hindupur, Ananthapur District, Andhra Pradesh.
23. The District Collector, Kurnool, Kurnool District. Andhra Pradesh
24. The District Medical & Health Officer Kurnool, Kurnool District, Andhra Pradesh.
25. The Superintendent, Regional Eye Hospital, Kurnool District, Andhra Pradesh.

(Addressee Nos 1 to 25 by RPAD)

26. One CC to Sri Srinivasa Rao Narra, Advocate (OPUC)
 27. One CC to Sri Suresh Kumar Potturi, Advocate
 28. One CC to Sri S. Sriram, Advocate (OPUC)
 29. One CC to Sri G.R.Sudhakar, Advocate (OPUC)
 30. One CC to Sri Prabhunadh Vasireddy, Advocate (OPUC)
 31. One CC to Sri K. Ashok Ram V., Advocate (OPUC)
 32. One CC to Sri K. Simhachalam, Advocate (OPUC)
 33. Two CCS to N. Harinath, Assistant Solicitor General, High Court of A.P., at Amaravati (OUT)
 34. Two CCs to GP for Medical and Health, High Court of A.P., at Amaravati (OUT)
 35. Two CCs to GP for Home, High Court of A.P., at Amaravati (OUT)
 36. Two CCs to GP for Revenue High Court of A.P., at Amaravati (OUT)
 37. One CC to Sri P. Sudhakara Reddy, Addl. Advocate General (OUT)
 38. One CC to Sri C. Sumon, GP for the State (OUT)
 39. Mr. Y. V. Ravi Prasad, Amicus Curiae, High Court of A.P., (By Special Messenger)
 40. Mr. N. Ashwani Kumar, Advocate, High Court of A.P., (By Special Messenger)
 41. Two spare copies
- Skm

HIGH COURT

CPK,J & LK,J

**Drafted by: Skm
Drafted on:19-05-2021**

DATED : 19-05-2021

Note: LIST THE MATTER ON 27-05-2021

ORDER

**WP (PIL). No. 226 of 2020 &
WP (PIL) Nos. 85, 86, 87, 88, 89, 91, 92 and 77 of 2021**

DIRECTION

