

\$~32.

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5121/2021

%

*Decided on: 3<sup>rd</sup> May, 2021*

THINK ACT RISE FOUNDATION THROUGH: ITS  
SECRETARY ARJUN KASANA

..... Petitioner

Through: Mr.Arjun Kasana, Petitioner in person.

Versus

GOVT OF NCT OF DELHI THROUGH: ITS  
HEALTH SECRETARY & ANR.

..... Respondents

Through: Mr.Satyakam, ASC and Mr.Anuj  
Aggarwal, ASC with Ms.Ayushi Bansal, Adv.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**JUDGMENT**

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

**C.M.No.15690-91/2021 (exemptions)**

For the reasons stated in the applications and in view of the present prevailing situation, the present applications are allowed subject to just exceptions. However, the applicant is directed to file duly signed and affirmed affidavits within a period of one week and the requisite Court fee within a period of 72 hours from the date of resumption of regular functioning of the Court.

The applications are disposed of.

*W.P.(C) 5121/2021*

*Page 1 of 3*

W.P.(C) No.5121/2021

1. This so-called public interest litigation has been preferred with the following prayers:-

- “a) Issue an appropriate writ, order, direction ordering the Respondent No.1 and 2 to take an undertaking from the receiver that once recovered, the patient shall donate the plasma 14 to 28 days after being tested negative instead of first asking them to find a donor. Failure to do so shall lead to legal proceedings or anything that court deems fit as per the prevailing circumstances;
- b) Issue and appropriate writ, order, direction to frame an overseeing body which shall regulate the availability of plasma to accelerate the donation and receiving process. The proposal, if implemented, shall save the crucial time for the sick, will help in maintaining the inventory and will encourage plasma donations. All in all, it will help in better management of lives in the current scenario.”

2. The petitioner, who appears in person submits that a relative of one of the office bearers of the petitioner institution was suffering from Covid-19 and was unable to get plasma for the treatment and, therefore, the present petition has been preferred so that this Court may exercise powers under Article 226 of the Constitution of India and direct the respondents to insist the Covid-19 patients, who have recovered after getting plasma therapy, to compulsorily donate plasma.

3. Having heard the petitioner and looking to the facts and circumstances of the case, it appears that this is not a public interest litigation **but a publicity interest litigation.** We can neither compel the respondents to draft a law or policy for compulsory donation of plasma nor we can give any direction to persons, who have recovered from Covid-19 after plasma

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

therapy, to donate plasma for the benefit of other patients suffering from Covid-19. This is a baseless and frivolous petition.

4. We, therefore, see no reason to entertain this writ petition. The same is accordingly dismissed with costs of Rs.10,000/- to be deposited by the petitioner with the Delhi State Legal Service Authority within four weeks from today. The aforesaid amount shall be utilized for the programme 'Access to Justice'.

5. A copy of this order be sent forthwith to the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts, New Delhi.

**CHIEF JUSTICE**

**JASMEET SINGH, J**

**MAY 03, 2021**  
*'anb'*

भारतमेव जयते