

HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF JULY  
TWO THOUSAND AND TWENTY

:PRESENT:  
THE HONOURABLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH  
CHAUHAN  
AND  
THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WP(PIL) NOS: 56, 59, 61, 78, 82, 91, 92, 96 & 111 OF 2020

WP(PIL). No. 56 of 2020

Between:

Mr. R. Sameer Ahmed, Advocate, 1<sup>st</sup> Floor, 10-3-311/2/A/3/A, Castle Hills Road  
No. 1, Behind NMDC, Masab Tank, Hyderabad 500 057

...Petitioner

AND

1. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.
2. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
3. State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
5. State of Telangana, Represented by its Principal Secretary, Home Department, Secretariat, Hyderabad
6. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.
7. The Commissioner of Police, Cyberabad Commissionerate at Hyderabad.
8. The Commissioner of Police, Hyderabad city, Basheerbagh, Hyderabad.
9. State of Telangana, Represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Letter dated 27.03.2020 sent by the petitioner herein through email, the High Court may be pleased to issue an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for remarks from the Respondents herein relating to and in connection with "protecting the lives of the Doctors and their assisting staff in putting their life at risk by not providing complete Personal Protection Equipment i.e., N-95 Respirator Mask, Face shield, goggles, Corveil/ Gowns, Shoe covers, Head covers etc., while testing reasonable suspects and patients of Epidemic/Pandemic COVID-19", since the Government of Telangana has directed the Medical Practitioners/ Civil Assistant Surgeons serving in all Primary Health Centres (including Urban Primary Health Centres) to physically visit the residence of each suspect, examine and conduct counseling to reasonable suspects and the vulnerable family members having the recent history of traveling from abroad and that the said Officers are directed to continue the same activity on daily basis till the completion of 14 days of incubation period, as the State is duty bound to protect the lives of the Doctors and their assisting staff who are putting their life at risk without being provided complete Personal Protection Equipment i.e., N-95 Respirator Mask, Face shield, goggles, Corveil/Gowns, Shoe covers, Head covers etc., which

amounts to sheer infringement of their Right to life enshrined under Article 21 of the Constitution of India

This petition coming on for hearing, upon perusing the Letter dated 27.03.2020 sent by the petitioner hereinafter through email and upon hearing the arguments of Advocate General on behalf of Respondent Nos. 1 to 3 and 5 to 9 and of Sri N. Ashok Kumar, Standing Counsel for Respondent No. 4,

WP(PIL) No. 59 OF 2020

Between:

1. Prof. P.L. Vishweshwar Rao, Occ. Convenor, Telangana Democratic Forum and Vice President of Telangana Jana Samithi, R/o, H.No. 33-23/1, Officers Colony, Rama Krishnapuram, Secunderabad – 500056.
2. Dr. Cheruku Sudhakar, MBBS, S/o. Usha Goud, Occ. Doctor, H.No.14-70, V.T. Colony, Nakrekal, Nalgonda District, Telangana State - 508211

...Petitioners

AND

1. Union of India, Ministry of Health and Family Welfare, Maulana Azad Road, Nirman Bhavan, New Delhi - 110011.
2. The State of Telangana, Rep by Chief Secretary, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
3. The State of Telangana, Rep by its Principal Secretary to the Medical and Health Department, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
4. The State of Telangana, Rep by its Principal Secretary to the Finance Department, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
5. The State of Telangana, Rep by its Principal Secretary to the Civil Supplies Department, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
6. The State of Telangana, Rep by its Principal Secretary to the Labour Department Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
7. The Commissioner and Director, Medical and Health Department, Koti, Hyderabad, Telangana.
8. The Commissioner, Civil Supplies Department, Civil Supplies Bhavan, H.No.6-3-655/1/A, 3<sup>rd</sup> Floor, Punjagutta Road, Somajiguda, Hyderabad, Telangana.
9. The Labour Commissioner, State of Telangana, T. Anjalal Bhavan, RTC X Road, Hyderabad.

...Respondents

Petition under Article 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 in declaring the inaction of the respondents in providing proper quarantine to the passengers, who came from Abroad to Telangana from 1<sup>st</sup> February, 2020 to 25th March, 2020 for 14 days and non-providing Medical Personal Protective Equipment (PPE), N-95 Masks to the Doctors, Para-Medical Staff, who are working in the Medical field in prevention of Spread of Covid-19 in the State of Telangana and also in non-import-non manufacture the Medical Equipment like Diagnosis kits of COVID-19, Ventilations, Personal Protective Equipment (PPE), N-95 Masks, Sanitizers etc., in protection of right to life of Public at large, and non-supplying the daily essential goods at reasonable prices like food-grains, vegetables, medicines etc., in door delivery to the public at large and non-providing daily essential food-grains, vegetables, fruits, Masks, medicines, shelter and minimum expenses etc., to the lakhs of Un-organized labour, beggars, Inter-State Migrant Labors, Orphans, Street Children, Destitutes, Nomadic Tribes, Semi-Nomadic Tribes and Hostel Students, who are non-registered in the white card scheme and living in the State of Telangana in the lock down period as

illegal, arbitrary, discriminatory, unreasonable, unfair, unjust, unlawful, unconstitutional, whimsical, perverse, mockery and against to an Article 14, 19, 21 of Constitution of India and against to the Provisions of the Epidemic Diseases Act, 1897 and The Inter State Migrant Workmen Act, 1979 and other Labor Laws and against to the Catena of Judgments of an Apex Court and this Honble Court and Consequently, direct the respondents to quarantine the all passengers, who came from Abroad to Telangana by All ways (Airway, Railway and Road Transport) from 1<sup>st</sup> February, 2020 to 25<sup>th</sup> March, 2020 for 14 days and direct the respondents to either manufacture or import the large Scale Diagnosis Kits of COVID-19, N-95 Masks, kits of Personal Protective Equipment (PPE) and Ventilators to protect the lives of Doctors, Para-medical staff and Public at Large of Telangana, who are working in the field of prevention of Spread of Covid-19 and direct the respondents to provide daily minimum needs, like food grains, vegetables, fruits, shelter, N-95 Masks, sanitizers and Minimum Expenses to the lakhs of unorganized labor, beggars, Inter-State Migrant Labour, Orphans, Street Children, Destitutes, Nomadic Tribes, Semi-Nomadic Tribes, Hostel Students, who are non-registered in the white card scheme and living in the State of Telangana and to direct the respondents to supply in door delivery daily need essential goods at reasonable prices like food-grains, vegetables, fruits, N-95 Masks, sanitizers, etc., and also direct the respondents to Diagnosis of COVID-19 to the people at home in lock down period till no COVID-19 Positive get into the record in the State of Telangana

This petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Prabhakar Chikkudu, Counsel for the petitioner and of Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General on behalf of Respondent No. 1 and Sri B.S. Prasad, Advocate General on behalf of Respondent Nos. 2 to 7 and 9, and of Sri A. Jagan, Advocate for the respondent No. 8,

#### WP(PIL).NO.61 OF 2020

Between:

Sri. K.Karuna Sagar,, Advocate, Flat No.516, 5<sup>TH</sup> Floor, SVRS Neeladri Apartments, Champapat, Hyderabad 500035

Petitioner

AND

1. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad
2. State of Telangana, Represented by its Principal Secretary, Home Department, Secretariat, Hyderabad.
3. The Director General of Police, State of Telangana Lakdikapool, Hyderabad
4. The Commissioner of Police, Bhasheerbagh, Hyderabad
5. State of Telangana, Represented by its Principal Secretary, Women and Child Welfare Department, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 02.04.2020 sent by the petitioner herein through email, this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to

call for remarks and records from the Respondents herein relating to and in connection with the inaction of the State Government to take appropriate steps in providing security to the Doctors and other supporting staff who are treating the COVID-19 patients since the life of citizens are put in danger as a shocking incident that took place 1.4.2020 wherein the duty Doctors treating the COVID-19 patients at Gandhi Hospital, Hyderabad were attacked by the Family members of a deceased COVID-19 patient and destroyed the hospital property by breaking the windows, who developed COVID-19 positive after attending the Tabligh Jamaat meeting at Nizamuddin, Delhi and that though the duty Doctors and staff are working 24/7 for the last one month, this type of inhuman behaviour towards the Doctors and staff is highly condemnable and stringent action should be taken against the miscreants and that this type of incidents took place in Khammam and Nizamabad Districts also and hence non-bailable cases should be registered against the assaulters under IPC, particularly u/s 11 of Telangana Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage to property) Act, 2008. Consequently, to direct the Respondents herein to take stringent action against the miscreants by registering non-bailable cases under IPC and particularly u/s 11 of Telangana Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage to property) Act, 2008;

The petition coming on for hearing, upon perusing the letter dated 02.04.2020 filed in support thereof and upon hearing the arguments Sri B.S. Prasad, Advocate General (TG) for the Respondent Nos. 1 to 5, the Court made the following.

WP(PIL), No. 78 of 2020

Between:

1. Prof. P.L. Vishweshwar Rao, S/o, Late Ponna Laxmana Rao
2. A. Rajendrababu, S/o, Late Nagappa

Petitioners

AND

1. The State of Telangana, Rep. by its Chief Secretary, Telangana Secretariat, B. R. K. R. Bhavan, Hyderabad.
2. The State of Telangana, Rep. by its Special Chief Secretary, Medical and health Department, B. R. K. Bhavan, Hyderabad.
3. The State of Telangana, Rep. by its Principal Secretary to the Medical and Health Department, Telangana Secretariat, B. R. K. R. Bhavan, Hyderabad.
4. The Commissioner and Director, Medical and Health Department, Koti, Hyderabad, Telangana.

Respondents

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

Writ of Mandamus in declaring the action of the respondents in issuing an impugned proceedings Lr. No. 82/Peshi/DME/2020, Dated 20.04.2020, not to collect samples from the dead bodies for further Covid-19 testing in the State of Telangana and not notified the Covid-19 100 Bedded hospitals erstwhile District Head Quarters Or 50 Bedded Hospitals in the Present District Head Quarters other than the Area of Greater Hyderabad Municipal Corporation in protection of the right to life of Urban, Sub-urban and Rural public at large by providing trained staff, medical equipment and medicines as illegal, arbitrary, discriminatory, unreasonable, unfair, unjust, unlawful, unconstitutional, whimsical, perverse, mockery, inhuman, bad in law, ulterior motive and against to an Article 14, 19, 21 of Constitution of India and against to the Provisions of the Epidemic Diseases Act, 1897 and against to the Disaster Management Act, 2005 and other Acts and against to the Caterina of Judgments of an Apex Court and this Honourable Court.

**IA NO: 1 OF 2020**

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 to notify the Covid-19 100 Bedded Hospitals in the Head Quarters of erstwhile Districts or Covid-19 50 Bedded Hospitals in the present District Head Quarters other than the Area of Greater Hyderabad Municipal Corporation (GHMC) by providing sufficient trained staff and medical equipment and also medicines in protection of the right to life of the public at large forthwith, pending disposal of WP(PIL) 78 of 2020, on the file of the High Court.

**IA NO: 2 OF 2020**

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 to take the samples by Para Medical Staff from the Dead bodies for conduct test of Covid-19 in the State of Telangana, pending disposal of WP(PIL) 78 of 2020, on the file of the High Court.

**IA NO: 3 OF 2020**

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 suspend an impugned proceedings issued by the 4<sup>th</sup> respondent in Lr. No.82/Peshi/DME/2020, Dated 20.04.2020, forthwith, pending disposal of WP(PIL) 78 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Prabhakar Chikkudu Advocate for the Petitioners and of Advocate General for the respondents

**WP(PIL). No. 82 of 2020**

**Between:**

Dr. K.P. Rajender Kumar, Retd. District Medical and Health Officer, Jogulamba, Gadwal District, Flat No.403, Durga Harmony, H.No.6.3.552/ 1, Erramanzil Colony, Hyderabad 500 082

Petitioner

**AND**

1. Union of India, rep. by its Secretary Department of Medical and Health, Central Secretariat, New Delhi.
2. Indian Council of Medical Research, (ICMR) COVID-2019, New Delhi.
3. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.

4. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
5. The Director of Medical and Health, Government of Telangana, Koti, Hyderabad.
6. Director of Public Health and Family Welfare, Government of Telangana, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 28.04.2020 sent by the petitioner herein through email, the High Court may be pleased to issue an appropriate Writ Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for records and remarks from the Respondents herein relating to and in connection with issuance of letter bearing No. Sp/COVID/DPHG/2020 dated 20/04/2020 by the office of the Director of Public Health and Family Welfare, Government of Telangana directing not to take samples and conduct COVID-19 tests on the dead bodies and if that is so cause of the death will not be revealed and there is every likelihood of spreading the virus upon (1) Health Service Providers, i.e. front line workers i.e., Doctors, Nurses, ANMs, Asha Workers, (2) Family Members and Close Contacts and (3) Funeral Service Providers and also people who came into contact with the deceased, damage the purpose of precautionary measures taken by the Government to safeguard the lives of the public at large, (Recently in Kurnool, samples of deceased Dr. Ismail Hussain, who was a Doctor, and his six family members were found to be COVID-19 positive) and

Consequently to direct the Respondents herein to take samples of the dead bodies of Corona virus patients and conduct COVID-19 tests to prevent spreading the virus upon (1) Health Service Providers, Doctors, Nurses, ANM, Asha Workers, (2) Family Members and Close Contacts and (3) Funeral Service Providers and also people who came into contact with the deceased-patient as a precautionary measure to safeguard the lives of the public at large.

The petition coming on for hearing, upon perusing the Petition and the letter dated 28.04.2020 sent by the petitioner herein through email, and upon hearing the arguments of Dr. K.P. Rajender Kumar as party in person and Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General, for the Respondent No. 1 & 2 and Advocate General for the respondents No. 3 to 6.

**WP(PIL), No. 91 OF 2020**

**Between:**

Varun Sankineni, S/o Sankineni Venkateshwar Rao

Petitioner

**AND**

1. The Union of India, Rep. by its Under Secretary, Medical and Health Department, (COVID -19) Central Secretariat, Sastry Bhavan, New Delhi.
2. The Indian Council of Medical Research, (ICMR), Rep. by its Director General, (COVID -19), Health Research Department, Ansari Nagar, New Delhi 110 029
3. The State of Telangana, Rep. by its Chief Secretary, (GAD) Dept., Secretariat, Saifabad, Hyderabad.
4. The State of Telangana, Rep., by its Special Chief Secretary, Medical and Health Department, (COVID -19), Secretariat, Saifabad, Hyderabad
5. The State of Telangana, Rep., by its Pri. Secretary, Medical and Health Department, (COVID -19), Secretariat, Hyderabad.
6. The Commissioner and Directorate of Medical and Health Department, (COVID-19) Koti, Hyderabad.

7. The District Medical and Health Office, Rep., by District Medical and Health Officer (FAC), Suryapet Collectorate, Suryapet, Suryapet dist., erstwhile Nalgonda District
8. The Superintendent of (COVID -19), Gandhi Hospital, Secunderabad, Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, a)declaring that the action of the Respondents in failing to conduct/provide for adequate testing of COVID-19 for the citizens of the State of Telangana and more particularly the residents of Suryapet district of erstwhile Nalgonda district as a constitutional failure of the State duty, violating the citizens fundamental rights including the rights guaranteed under Article 14 and 21 of the Constitution of India and resultantly direct the Respondents. b)To review the testing criteria to include collecting samples and conducting tests of all asymptomatic persons, in the areas affected with the outbreak in the State of Telangana and more particularly the district of Suryapet c) To incorporate Rapid Antibodies Blood Test method in order to exponentially increase the population tested and efficiently identify the areas affects and people carrying the virus who may or may not show any symptoms. d)Consequently speed up the process testing through door to door step sample collection in order to ensure widespread accessibility of the testing facilities, (This will not only increase the number of people tested per million but also ensure the safe collection of samples and proper maintenance of the chain of custody). e)To start Door to Door sample collections and testings of any person showing any signs/symptoms of COVID-19 in Suryapet District, so that testing and quarantine can be done at home instead of travelling to hospitals, therefore minimizing the pressure on the already overburdened hospitals. f)To prepare and make available online data (through a dedicated web-portal), of the areas covered by door to door testing and sample collection and total no. of tests conducted, segregated into two categories i.e., symptomatic and asymptomatic, containing necessary details such as areas covered, total no. persons tested, whether the persons found positive was symptomatic or asymptomatic or with any travel history, etc. g)To direct the Respondents herein to release the test results of the samples collected within a reasonable time-frame and make available the said results on any dedicated web-portal or in the media and award costs to the petitioner herein

#### IA NO: 1 OF 2020

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 appoint a court monitored expert committee for identifying the extent of testing and for suggesting the localities /zones/municipal/ gram panchayath areas in the State of Telangana and more particularly in the Suryapet district erstwhile Nalgonda district in which steps for rapid testing ought to be undertaken by the Respondents forthwith, pending disposal of WP(PIL) 91 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MS Gorantla Sri Ranga Pujitha Advocate for the Petitioner and Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General for the respondent No. 1 & 2 and Sri B.S. Prasad, Advocate General for the respondent No. 3 to 8.

#### **WP(PIL) NO.92 OF 2020**

**Between:**

Naresh Reddy Chinnolla, S/o. Damodar Reddy

Petitioner

AND

1. Union of India, Ministry of Health and Family Welfare, Rep. by its Secretary, Nirman Bhavan, New Delhi-110011.
2. The State of Telangana, Rep by its Chief Secretary Secretariat, Hyderabad
3. The State of Telangana, Rep by its Principal Secretary of Medical and Health Department, Secretariat, Hyderabad.
4. The State of Telangana, Rep by its Principal Secretary of Home Department, Secretariat, Hyderabad.
5. The District Collector, Nirmal District
6. The Superintendent of Police, Nirmal District
7. The District Health Officer, Nirmal District

Respondents

Petition filed under Article 226 of Constitution of India praying that in the circumstances stated in the petition and affidavit filed herein the High Court may be pleased to issue Writ Order, Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not conducting Covid tests on primary contacts as well as secondary contacts positive patients especially in the Red Zone areas in the state of Telangana and not strictly implementing the regulations that are prescribed in G.O.Ms No. 45 dated 22-03-2020 as illegal, arbitrary and unconstitutional and consequently direct the Respondents to

- i) Increase the Covid-19 testing capacity by testing primary as well as secondary contacts within all zones and particularly conduct tests for all person(s) within a prescribed radius in the Red Zones as identified by the Government,
- ii) Conduct random testing especially in Red Zones and Orange Zones to tackle the asymptomatic cases,
- iii) Strictly implement measures as prescribed under G.O.Ms.No.45 dated 22 03.2020 by increasing patrolling and surveillance within districts to completely Curb any movement among inter-districts and if required seek assistance from the Government of India for further deployment of forces,
- iv) Formulate and Implement an effective policy dealing with current situation of migrant workers

**IA NO: 1 OF 2020**

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 forthwith direct the Respondents to conduct covid-19 test primary as well as secondary contacts within all zones and particularly to conduct tests for all person(s) within a prescribed radius in the Red Zones as identified by the Government and strictly implement measures as prescribed under G.O Ms No. 45 dated 22.03.2020 such as adequate police forces and central forces and forthwith direct the respondents to take adequate measures that the migrant

workers reach their destination/Home towns, pending disposal of WP(PIL) 92 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of the High Court dated 18.05.2020 and 08-06-2020 made herein and upon hearing the arguments of Naresh Reddy Chinnolla as (Party In Person) and Sri B.S. Prasad, Advocate General for the respondents, the Court made the following.

**WP(PIL). No. 96 OF 2020**

**Between:**

1. Surya Balu Mahendra, S/o Late S. Sudheer Kumar, Aged . 32 years, Occ: Advocate R/o. MIG 418, G2, R. K. Residency, KPHB Colony, Kukatpally, Hyderabad - 500072. Aadhar Number . 402674220948 Pan Number . BOWPS3690K, Mobile Number . 8790747440 Bank Account No. 35655287909 Mail ID. mahendra.suryagmail.com
2. Bala Krishna Mandapati, S/o M. Sambaiah, Aged. 36 years, Occ: Academician R/o Fat No. 502, Ashok Residency, Street Number 6, East Maredpally, Nehru Nagar, Hyderabad-500026, Aadhar number - 281777817877, Pan Number - APLPM9326D Mobile Number - 9502265851 Bank Account No. 074750700000809 Mail id. baluktb7Pgmail.com

**...Petitioners**

**AND**

1. The State of Telangana, Rep., by its Chief Secretary, Government of Telangana, Secretariat, Hyderabad.
2. The Special Chief Secretary, to Government, Health, Medical and Family Welfare Department, Government of Telangana, Secretariat, Hyderabad.
3. The Director of Public Health and Family Welfare, Government of Telangana, Koti, Hyderabad.
4. The Commissioner of Health and Family Welfare, Government of Telangana, Koti, Hyderabad.
5. The Director of Medical Education, Government of Telangana, Hyderabad.
6. The Telangana Vaidya Vidhana Parishad, Rep. by its Commissioner, Koti, Hyderabad
7. The Union of India, Rep. by its Secretary, Ministry of Health and Family Welfare, New Delhi.
8. Indian Council of Medical Research (ICMR), Rep., by Its Director General V. Ramalingaswami Bhawan, P.O. Box No. 4911 Ansari Nagar, New Delhi - 110029

**Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ or Direction preferably Writ of Mandamus declaring the action of the Respondents No.1 to 6 in not undertaking COVID-19 Testing of Asymptomatic Primary Contacts, Symptomatic Secondary Contacts and other patients with ILI (Influenza like Illness) symptoms in the State of Telangana as per the Guidelines of ICMR Dt.09/04/2020 as arbitrary, opposed to Public Health and in violation of Article 21 of the Constitution of India and consequently direct the Respondents to undertake wide spread COVID-19 Testing in the State of Telangana and also further appropriate measures to curtail the spread of Corona Virus.

IA 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 No.1 to 6 to forthwith undertake wide spread COVID-19 Testing in the Hotspot Areas in the State of Telangana as per the Guidelines of ICMR Dated 09/04/2020, pending disposal of the Writ Petition (PIL) in the Interest of Justice., Pending disposal of WP(PIL) 96 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Kowturu Pavan Kumar Advocate for Petitioners, and GP for Medical & Health (TG) for Respondents 2 to 5 and Mr.Navamavarapu Rajeshwar Rao, Assistant Solicitor General for Respondents 7&8, the Court made the following.

WP(PIL) 111 OF 2020

Between:

Amrita Aryendra, D/o Aryendra Kumar,

...Petitioners

AND

1. State of Telangana, Represented by its Chief Secretary, Secretariat, Hyderabad.
2. State of Telangana, Represented by its Special Chief Secretary, Department of Health, Medical and Family Welfare, Secretariat, Hyderabad
3. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
4. The Commissioner and Director, Medical and Health Department, Koti, Hyderabad.
5. The Indian Council of Medical Research (ICMR),, Rep., by its Director General, Health Research Department, Ansari Nagar, New Delhi - 110 029.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, (i.) Declaring that the action of the State of Telangana in not taking appropriate measures to make all pandemic related data such as the particulars of the total number of tests conducted in the State of Telangana on each particular day, along with a tally of number of positive cases and deaths due to COVID-19 and the area-wise, gender-wise and age-wise segregation of the data, available to the public at large in a comprehensible manner as breach of its Constitutional duties and violative of fundamental rights of the citizens. (ii.) Directing the State of Telangana to have a dedicated web portal updated on a daily basis containing particulars of a.) Total number of samples tested, reports awaited, number of positive cases, number of active cases, number of cured number of deaths b.) Number of individuals in Home and Institutional Quarantine c.) Number of symptomatic persons and asymptomatic persons d.) Chronology of Positive cases along with district and present status e.) District wise distribution of cases f.) Details of passengers (including migrants, persons travelling through railways and airways) g.) Number and areas where Hotspots are situated h.) Age and Gender distribution to date i.) Co-Morbidity status among deaths j.)

Containment zones in each locality/district/city/area/mandal k.) List of centers/hospitals (government and private) accessible to the public at large to avail voluntary testing and such other information as this Honble Court deems necessary and appropriate (iii.) And award costs to the petitioner herein;

**IA 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 Respondent Authorities and in particular Respondent No. 2 to update on a day to day basis all pandemic related data such as a.) Total number of samples tested, reports awaited, number of positive cases, number of active cases, number of cured, number of deaths; b.) Number of individuals in Home and Institutional Quarantine; c.) Number of symptomatic persons and asymptomatic persons; d.) Chronology of Positive cases along with district and present status; e.) District wise distribution of cases; f.) Details of passengers (including migrants, persons travelling through railways and airways); g.) Number and areas where Hotspots are situated; h.) Age and Gender distribution to date; i.) Co-Morbidity status among deaths; j.) Containment zones in each locality/district/city/area/mandal; k.) List of centers/hospitals (government & private) accessible to the public at large to avail voluntary testing and such other information as this Honble Court deems necessary and appropriate, available to the public at large in a comprehensible manner, Pending disposal of WP(PIL) 111 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI QAZI SALAR MASSOD AATIF Advocate for the Petitioner, THE ADVOCATE GENERAL (TG) Advocate for the Respondent, the Court made the following.

**ORDER:**

Admittedly, both the Nation and the State are in the grip of COVID-19 pandemic. According to the data submitted by the State before this Court on 18.06.2020, it was rather apparent that corona virus has spread its tentacles to all the thirty-three (33) Districts of the State. In fact, the number of corona virus patients has sky-rocketed eversince the lockdown was rolled back by the State Government about four weeks ago. Presently, according to the Media Bulletins issued by the State Government itself, atleast 900 cases are being detected on a daily basis. According to the latest Media Bulletin, dated 30.06.2020, 16,339 positive cases have been discovered in the State; even on 30.06.2020, 945 cases were discovered; so far, 260 persons have died due to corona virus in the State. For the last two months, repeatedly this Court has been passing orders hoping to bring the gravity of the situation to the notice of the State Government, and also hoping that the directions of this Court would be implemented. But to no avail.

By order, dated 18.06.2020, this Court had issued the following directions:-

*Firstly*, as per the directions of this Court, dated 08.06.2020 in W.P. (PIL) No. 111 of 2020, the critical information should be published on a daily basis not only in the Media Bulletin, but also in the regional newspapers.

*Secondly*, the information available within the GHMC area, should be published ward-wise, and the said information should immediately be communicated to the Colony Associations. For, the wider the information is spread, the more the people will become aware of the danger being posed by Covid-19. And hopefully, people will continue to observe the safety measures prescribed by the Government/ICMR.

*Thirdly*, the Government is directed to increase the number of samples being tested on a daily basis. The Government should also consider the use of Rapid Antigen Detection Test as recommended by the ICMR. In compliance of the ICMR guidelines those who have been closely in contact with a Covid-19 patient should be tested once between day 5 and day 10 of coming into contact with such patient. For, it seems that despite the guidelines issued by the ICMR, the said guideline is not being implemented by the State.

*Fourthly*, the Government is further directed to publicize the names of the fifty-four Government Hospitals, which have been designated as hospitals for treatment of Covid-19. For, the impression exists not only in the minds of the people at large, but even in the minds of the Doctors working at Gandhi Hospital that Gandhi Hospital in Hyderabad is the only designated hospital for treatment of Covid-19. Since the Government claims that Government Hospitals have been designated in the districts itself, the said information needs to be given as wide a publicity as possible, so as to reduce the rush of patients to the Gandhi Hospital.

*Fifthly*, since it is claimed in the report dated 17.06.2020 that it is difficult to carry out the RT-PCR test, a test which has been successfully carried out in the State of Kerala, Dr. Srinivasa Rao is directed to explain the difficulties being faced by the State in using the said tests.

This Court had also directed the State to file its Report with regard to whether the directions issued by this Court are being implemented by the Government, or not? Consequently, a Report dated 30.06.2020 has been filed by the learned Advocate General. The same shall be taken on record.

A bare perusal of the Report submitted by the Director of Public Health and Family Welfare, clearly reveals that the Report is highly vague. For, statements have been made without any supporting document. In paragraph 1, the Director states that "*detailed Media Bulletins are issued daily*". Moreover "*Newspapers are publishing this information prominently*". However, three Media Bulletins dated 25.06.2020, 27.06.2020, and 29.06.2020 have been submitted along with the Report. In the Media Bulletin dated 25.06.2020, certain information with regard to the availability of the infrastructure was, indeed, given. However, this vital information is conspicuously missing from Media Bulletins, dated 27.06.2020, and 29.06.2020. Thus, it is rather surprising that on the face of the document submitted by the Director himself, he has made a statement that "*detailed Media Bulletins are issued daily*". Such a statement flies in the face of the documents submitted by the Director himself.

Furthermore, the Director clearly states that "*Newspapers are publishing this information prominently*". Yet, not a single copy of a single newspaper has been submitted to buttress this claim. Therefore, the very first direction issued by this Court in its order, dated 18.06.2020, is not even implemented so far, despite the lapse of almost two weeks. Needless to say, until and unless critical information is disseminated to the public at large, the public would be unaware about the rapid growth, and the extent of COVID-19, both in the Hyderabad area, and in the State.

Despite the fact that the second direction issued by this Court was to publish the ward-wise information, and to communicate to the Colony Association the said information, the Report submitted by the Director is absolutely silent whether the ward-wise publication is being carried out, or not? And whether the Colony Associations are being informed on a daily basis or not? According to the learned counsel for the petitioners, the Government is neither publishing the ward-wise information, nor is Greater Hyderabad Municipal Corporation (GHMC) communicating the necessary information to

the Colony Associations. Since no evidence has been produced by the Government to indicate that the direction issued by this Court is, indeed, being implemented, the statement made by the learned counsel for the petitioners necessarily has to be accepted by this Court. Again, it is rather surprising that the information which is vital for the people is being withheld from the people.

In its Guidelines, issued on 23.06.2020, the Indian Council of Medical Research (ICMR, for short) had clearly stated that "*Since test, track and treat is the only way to prevent spread of infection, and save lives, it is imperative that testing should be made widely available to all symptomatic individuals in every part of the country, and contact tracing mechanisms for containment of infection are further strengthened*" (Emphasis added). The ICMR advised "*all the State Governments, Public and Private Institutions to take required steps to scale up testing for COVID-19 by deploying combination of various tests as advised above*" (Emphasis added). One of the tests, which was advised by the ICMR was the "*Rapid Antigen Detection Test*". The usage of Rapid Antigen Detection Test was advised by the ICMR even prior to 18.06.2020. Therefore, this Court in its order, dated 18.06.2020, had clearly directed the Government to not only increase the number of samples being tested on a daily basis, but also to consider the possibility of using the Rapid Antigen Detection Test. However, according to the Report submitted by the Director, "*the use of Rapid Antigen Detection Test, as approved by ICMR, is under consideration of the Government*". To say the least, such a statement is extremely vague. For, it is absolutely unclear as to at which stage the use of Rapid Antigen Detection Test is under consideration? Moreover, it is absolutely unclear whether any order for purchasing the necessary kits have been placed by the Government, or not? In case the orders have been placed, the number of kits that are to be brought by the Government is not mentioned. Therefore, even the third direction issued by this Court in its order, dated 18.06.2020, is yet to be complied with.

The learned counsel for the petitioners submits that there is a lack of transparency, and accountability in the way the State Government is tackling the menace of COVID-19. Despite the ICMR guideline for the need to increase the number of tests, and the collection of samples, according to the

Press Note released on 25.06.2020, by the Director, Public Health and Family Welfare, the testing in the State was brought to a grinding halt. For, according to the Press Note, the State had collected 36,000 samples, out of which, 8,253 samples still needed to be tested. Due to the pendency of testing of a large number of samples, the Director, Public Health and Family Welfare has decided to halt testing for a few days. Obviously, such a decision is contrary to the advisory issued by the ICMR. Such a Press Note is also a breach of the Undertaking given by the *Director before this Court that "50,000 samples would be collected in ten days."*

Ms. Gorantla Sri Ranga Pujitha, the learned counsel for the petitioner, submits that the Undertaking was given by the State before this Court that between 16.06.2020, and 26.06.2020, 50,000 samples will be collected within the GHMC Area. However, according to the Media Bulletins from 16.06.2020, and 26.06.2020, only 30,877 samples have been collected. Thus, there is a shortfall of almost 20,000 cases.

Moreover, the figures being submitted by the State before this Court are fudged by the State. In order to buttress this plea, she has drawn the attention of this Court to the counter-affidavit filed by the State, dated 26.05.2020. According to the said counter-affidavit, as on 22.05.2020, 828 samples were tested in Suryapet District. Yet, according to the data released by the District Medical and Health Officers, Suryapet, dated 27.06.2020, as on 27.06.2020, only 750 samples were collected. Thus, a larger number of samples are claimed to be collected, though not collected. Moreover, according to the data furnished by the District Medical and Health Officer, Suryapet, dated 27.06.2020, there was one positive case, which was discovered. However, according to the Media Bulletin, dated 27.06.2020, Suryapet is not even shown as having a single positive case. Thus, there is a contradiction between the data being supplied by the District Medical and Health Officer, Suryapet, and the Media Bulletin, dated 27.06.2020, issued by the Government.

She further states that according to the data available on covid19india.org, dated 29.06.2020, compared to the top ten States, Telangana happens to be the fourth lowest in collecting the samples. While Delhi has collected 25,155 samples per million, Andhra Pradesh has collected 16,121 samples per million, Tamil Nadu has collected 14,669 samples per million,

even Karnataka has collected 9,050 samples per million, Kerala has collected 6,287 samples per million. Yet, the State of Telangana has collected merely 2,215 samples per million. According to the learned counsel, this clearly proves the lack of testing being carried out in Telangana when compared with the other States at the National level.

Furthermore, between 19.06.2020 and 28.06.2020, while Andhra Pradesh had carried out 2,11,838 tests, Telangana had carried out merely 31,889 tests. Therefore, according to the learned counsel, while ICMR Guidelines clearly emphasized the increase in tests in as wide range as possible, and testing of as large population as possible, the said Guidelines are only being observed in its breach, and not in its adherence.

She has further drawn the attention of this Court to an Article published in the Deccan Chronicle, dated 23.06.2020. According to the said Article, there seems to be grave disagreement between the GHMC, and the Telangana Health Department. According to the said Article, the GHMC is of the opinion that the Telangana Health Department is not giving the correct data, and is not even carrying out the required number of tests. Therefore, GHMC is not aware of the areas under its jurisdiction, where COVID-19 needs to be tackled. Since it is not aware of the large extent of the spread of the corona virus, it has cut down the number of containment clusters from 1100, to 626. In fact, according to the GHMC officials, "*all primary, and secondary contacts of COVID-19 patients should take care of themselves*". Moreover, according to the GHMC, it has removed all the containment clusters in Serilingampally Zone, in L.B.Nagar Zone, in Charminar Zone, in Khairatabad Zone, in Secunderabad Zone, and in Kukatpally Zone. Since the GHMC is unable to tackle the COVID-19 menace, due to the laxity on the part of the Health Department to share the vital information, the GHMC has already directed its employees "*to revert to their normal duties, which include tax collection, participating in tree plantation programmes, and demolition of dilapidated buildings*".

This Court generally would not like to rely on the Press Reports. But, due to the widespread of COVID-19, this Court would not like to jeopardize the lives of the advocates by asking them to go into the areas, which may be critically affected by COVID-19. Hence, this Court is not in a position to

appoint Advocate Commissioners. Thus, for the time being, this Court has no other option, except to rely on the newspapers for information.

Furthermore, despite the fact that even on earlier occasions the Court has relied on newspaper reports, none of the Reports filed by the State has ever doubted the veracity of these newspaper reports. Since the contents of the newspaper reports have not been challenged by the State, this Court is of the opinion that the news items appearing in the National Dailies, like the Deccan Chronicle, the Indian Express, and the Hindu, are certainly trustworthy.

The learned counsel further submits that even the list of containment clusters is no longer being published by the Director. Although the Government had divided the Districts, and parts of the major cities into Red, Orange, and Green Zones, and the containment clusters, for reasons best known to the Government, the Red, Orange, and Green Zones have been given a go-bye. Although the Government claims that there are containment clusters, the list of containment clusters is no longer available to the public at large.

Furthermore, no Containment Policy has been issued by the Government. According to the learned counsel, the Containment Policy being followed by other States is "*two-pronged approach regarding the containment zone. Category-I clusters comprise those areas which have only one corona positive case, and a radius of 250 metres will be earmarked as containment. The areas where there are more than one case are designated as Category-II, covering a radius of 500 metres and an additional 250 metres is treated as a buffer*". However, according to the learned counsel, so far, such a Containment Policy has not been formulated by the State.

The learned counsel further submits that despite the fact that this Court had asked the reasons why Mobile Sampling Collection could not be done by the State, no reason has been assigned by the State in its Report submitted by the Director, dated 30.06.2020. She further states that in Andhra Pradesh, about 400 Ambulances are being used for collecting samples. However, no such scheme has been framed by the State Government, where Ambulances can be used as Mobile Sample Collection Centres. Thus, according to the

learned counsel, Telangana is not keeping its step in tandem with the strategies which are being used by other States.

Lastly, the learned counsel submits that on 23.06.2020, Mr. Varun, the petitioner, had filed an application under Right to Information Act, 2005, seeking certain information. However, despite the application being filed, the information is not being provided to the petitioner. Therefore, she prays that this Court should direct the respondents to produce the information sought by the petitioner before this Court.

Mr. Aatif, the learned counsel for the petitioner, submits that despite the fact that this Court by its orders, dated 08.06.2020, and 18.06.2020, had directed the State to publish all the critical information for the sake of public, the said critical information has not been published after 17.06.2020. According to the learned counsel, the critical information is as under:

- i) Total number of samples tested, reports awaited, number of positive cases, number of active cases, number of cured, number of deaths;
- ii) Number of individuals in Home and Institutional quarantine;
- iii) Number of symptomatic persons, and asymptomatic persons;
- iv) Chronology of positive cases along with District and present status;
- v) District-wise distribution of cases;
- vi) Details of passengers (including migrants, persons traveling through railways and airways);
- vii) Number and areas where Hotspots are situated;
- viii) Age and Gender Distribution to date;
- ix) Co-morbidity status among deaths;
- x) Containment zones in each Locality/District/City/Area/Mandal; and
- xi) List of Centres/Hospitals (Government and Private) accessible to the public at large to avail voluntary testing.

He further submits that on 17.06.2020, the Media Bulletin, while containing the critical information, had revealed a curious facet of the spread of COVID-19. For, the data published by the Government revealed the age distribution of positives cases. Interestingly, according to the said data, the largest number of persons shown as "positive" belong to "the age group of 26 to 30 years", rather than "the age group of 60-80 years". According to the learned counsel, this is a very interesting fact, which should be revealed to the

public at large. For, according to the Media Reports, and according to the scientific studies, it is not the young who are prone to contacting the virus. In fact, it is either the very young, or the senior citizens, who are prone to be inflicted by the virus. Yet the data published by the State clearly reveals that in fact, it is the young population from the age of 21 to 40 years, who seem to be the target group. The learned counsel further submits that since this vital information is hidden from the public, the young are under the impression that they can safely go out, mingle in a crowd, and can ignore the safety precautions prescribed by the State Government, and by the ICMR. Yet, the data would clearly reveal that it is, indeed, the young, who are vulnerable to the corona virus attack. However, as this vital statistics are no longer being published by the Government, the young population is being kept in dark, and the public is ill-informed about the spread, extent, and the rapid growth of the COVID-19.

Mr. Prabhakar Chikkudu, the learned counsel for the petitioner, has also pleaded that despite the fact that the Government claims that sixty-one (61) district hospitals have been designated as COVID-19 hospitals, there is no evidence submitted by the State to establish the fact that the people are, indeed, being treated in these District Hospitals. Since there is a lack of treatment in the District Hospitals, and in the private hospitals, people are flocking to the Gandhi Hospital, and to the Osmania Hospital, in Hyderabad. According to the learned counsel, despite the fact that the number of beds have been increased in these two hospitals, the medical staff is unable to tackle the flood of patients. Because of the difficulties being faced by the medical staff, both in Gandhi Hospital, and in Osmania Hospital, the staff has gone on lightening strike. Therefore, according to the learned counsel, the State should be directed to reveal as to how many patients have been treated in the District Hospitals, since 15.06.2020, till date.

In rejoinder, Mr. B. S. Prasad, the learned Advocate General, has denied that "the Government has stopped carrying out the collection of samples". For, according to the learned Advocate General, between 20.06.2020, and 29.06.2020, 40,837 samples were tested. According to the Media Bulletin, dated 30.06.2020, 3,457 samples were tested, out of which 945 were discovered to be "positive". Moreover, according to the learned

Advocate General, "*the Government is committed to contain the spread of COVID-19 throughout the State*". Furthermore, in order to create more medical facilities for the people, the number of beds at the Gandhi Hospital have been increased from 1012 beds, to 2010 beds. This includes 1,000 beds with oxygen supply, 700 beds with additional supply of oxygen, and 350 ventilators. Moreover, in order to increase the medical staff, the Government has recently sanctioned 665 posts, and the recruitment process is in its final stage. Moreover, the Government is also concerned with the safety of the medical staff. Therefore, it is constantly distributing safety gears to the medical staff in the hospitals.

Head the learned counsel for the parties.

Although the Government may claim that it is doing all that it can do to contain the spread of COVID-19, but the data supplied by the Government, and the information available in the Media Bulletin, and in the press, reveal a disturbing picture.

Despite the fact that by its order, dated 18.06.2020, this Court had directed the Government to publish the critical information on a daily basis, not only in its Media Bulletin, but more so in regional newspapers, such direction seems to have fallen on deaf ears. It is only on 17.06.2020, i.e., one day prior to the order, dated 18.06.2020, that the Government had informed the age group of the persons affected by COVID-19. But subsequent to the passing of the said order, none of the Media Bulletins show that the relevant, and critical information is being published by the Government. Moreover, since in the Report furnished by the Government, not a single newspaper publication has been submitted, it is rather obvious that the critical information, which should be disseminated amongst the public is being withheld by the State Government. Needless to say, while fighting a battle against a pandemic, ignorance is not bliss. In fact, ignorance is an invitation to a calamity.

Although, this Court had also directed the GHMC to publish ward-wise information, and to communicate the same to the Colony Associations, there is no evidence to show that even the said direction has been implemented by the GHMC, so far.

Furthermore, despite the fact that this Court had directed the State Government to increase the number of samples being tested on daily basis, the evidence is otherwise. As noted hereinabove, the ICMR has repeatedly emphasized the need to collect the samples as widely as possible, from as large a segment of the population as possible. But, according to the Press Note, dated 25.06.2020, the Director, Public Health and Family Welfare, had decided to halt the collection of samples, and testing, for two days. It is, rather, surprising that the Director has gone against, and has violated the advisory issued by the ICMR itself. Moreover, the data collected hereinabove clearly reveals that compared to the other States, Telangana is far behind in collecting the samples, and testing the same. Therefore, what is being revealed by the State Government, that about 945 cases tested positive on 30.06.2020, may just be a tip of an iceberg.

There is also no evidence produced by the Government, which reveals that the Government has formulated a Containment Policy. Moreover, the Government has also stopped publishing the list of containment clusters, both City-wise, and State-wise.

Interestingly, on June 27<sup>th</sup>, and 28<sup>th</sup>, 2020, the Central Team had visited the State as the number of cases in the State had sky-rocketed in the recent past. But neither the learned Advocate General, nor the Assistant Solicitor General for the Union of India, is in a position to inform this Court about the finding of the Central Team. Therefore, what was the actual finding of the Central Team is unknown.

Considering the present scenario, this Court issues the following directions:-

- 1) The State is directed to implement the directions issued by this Court on 18.06.2020.
- 2) The State is directed to give a detailed information with regard to the number of tests carried out not only on the symptomatic persons, but also on asymptomatic persons, and on the contacts of the primary patients in the last twenty (20) days. For, according to the ICMR Guidelines, a contact person needs to be tested between the fifth, and the tenth, day, after the person comes

into contact with a positive case. However, it is unknown whether such contact persons are, indeed, being tested by the State, or not? Therefore, it is imperative to know whether such contact persons are being tested by the State, or not.

3) The vital information mentioned hereinabove, shall be published on a daily basis by the State, both in its Media Bulletin, and in the regional newspapers.

4) In case, the Government were to conclude that there is a disharmony between the GHMC, and the Public Health and Family Welfare Department, the State is directed to ensure that latest data is provided by the Public Health and Family Welfare Department to the GHMC. Moreover, the GHMC shall continue its valiant efforts to control the spread of COVID-19 in the GHMC area. For, the data reveals that the largest number of cases are emerging in the GHMC area. The State Government is further directed to crease out any differences between the GHMC, and the Public Health and Family Welfare Department.

5) The State is directed to submit its Containment Policy, if any, before this Court.

6) The State is directed to furnish the list of containment clusters, if such a list is being maintained by the State. In case, such a list is not being maintained, the State is directed to reveal the reasons for not maintaining such a list.

7) The State is directed to furnish the finding of the Central Team, which recently visited the State on 27.06.2020, and 28.06.2020.

8) The State is directed to provide information on number of tests conducted each day in Suryapet District from 22.03.2020, till 23.06.2020 by the Medical Department; information on number of people kept in Home quarantine each day in Suryapet District from 22.03.2020, till 23.06.2020 by the Medical Department; information on number of people sent to Government Hospital for treatment from 22.03.2020, till 23.06.2020 in Suryapet District. The State should also provide the number of positive

patients treated, and discharged, between 22.03.2020, and 23.06.2020 in Suryapet District.

9) The State is directed to submit the affidavits of the Superintendents of the Government Hospitals with regard to the number of patients, infrastructure available, the safety equipment available, its distribution to the medical staff, on a daily basis. For, despite the fact that these affidavits were called by this Court about forty-five (45) days ago, the said affidavits still have yet to be produced before this Court.

10) The State is directed to explain the discrepancy in its data, mentioned above, in relation to the Suryapet District.

This Court has passed detailed orders on 08.06.2020, and 18.06.2020. But it is, indeed, a sorry state of affairs that despite the directions of this Court, the same are not being implemented by the State. It is, certainly, hoped that the directions issued by this Court today will be implemented by the State with all sense of seriousness. For, it is, indeed, trite to state that it is the foremost duty of the Government to protect the people from a pandemic. The said duty emanates both from Article 21 of the Constitution of India, and from the duties imposed on the State under Part IV of the Constitution of India. Therefore, the State can neither abdicate its constitutional duties, nor abandon its own people. In case, the directions issued by this Court today are not implemented by the State by 15.07.2020, this Court directs the Chief Secretary, Government of Telangana, the Principal Secretary, Medical, Health and Family Welfare Department, the Principal Secretary, Municipal Administration and Urban Development, and the Commissioner of GHMC, to appear before this Court on 20.07.2020.

The learned Advocate General is directed to submit a detailed Report with regard to the implementation of the directions issued by this Court positively by 17.07.2020. He is further directed to furnish the copies of the said Report to all the learned counsel for the petitioners. The learned counsel for the petitioners are directed to submit their respective replies, if any, by 19.07.2020.

List these cases on 20.07.2020.

SD/-K. SAILÉSHI  
ASSISTANT REGISTRAR  
SECTION OFFICER  


/TRUE COPY//

To,

1. The Secretary, Ministry of Health and Family Welfare, Union of India, Maulana Azad Road, Nirman Bhavan, New Delhi - 110011.
2. The Chief Secretary, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
3. The Principal Secretary to the Medical and Health Department, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
4. The Principal Secretary to the Finance Department, State of Telangana, Telangana Secretariat, B.R.K.R. Bhavan, Hyderabad.
5. The Principal Secretary to the Civil Supplies Department, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
6. The Principal Secretary to the Labour Department, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
7. The Commissioner and Director, Medical and Health Department, Koti, Hyderabad, Telangana.
8. The Commissioner, Civil Supplies Department, Civil Supplies Bhavan, H.No.6-3-655/1/A, 3<sup>rd</sup> Floor, Punjagutta Road, Somajiguda, Hyderabad, Telangana.
9. The Labour Commissioner, State of Telangana, T. Anjaiah Bhavan, RTC X Road, Hyderabad.
10. The Special Chief Secretary, Medical and health Department, State of Telangana, B. R. K. Bhavan, Hyderabad.
11. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad
12. The Director General, Indian Council of Medical Research, (ICMR) COVID-2019, New Delhi.
13. Director of Public Health and Family Welfare, Government of Telangana, Hyderabad.
14. The District Medical and Health Officer (FAC), District Medical and Health Office, Suryapet Collectorate, Suryapet, Suryapet dist., erstwhile Nalgonda District
15. The Superintendent of (COVID -19), Gandhi Hospital, Secunderabad.
16. The District Collector, Nirmal District
17. The Superintendent of Police, Nirmal District
18. The District Health Officer, Nirmal District
19. The Commissioner, Telangana Vaidya Vidhana Parishad, Koti, Hyderabad.
20. The Director of Medical Education, Government of Telangana, Hyderabad.
21. The Chief Secretary, (GAD) Department, Secretariat, State of Telangana, Saifabad, Hyderabad.
22. The Under Secretary, Medical and Health Department (COVID-19) Central Secretariat, union of India, Sastry Bhavain, New Delhi.
23. Indian Council of Medical Research (ICMR), COVID-2019, New Delhi.
24. The Principal Secretary, Women and Child Welfare Department, State of Telangana at Hyderabad.
25. The Commissioner of Police, Hyderabad City, Basgeerbagh, Hyderabad.
26. The Principal Secretary, Revenue Department, State of Telangana Secretariat, Hyderabad.
27. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
28. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Band Road, Hyderabad.
29. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.
30. The Commissioner of Police, Cyberabad Commissioner, at Hyderabad.  
(Addressees 1 to 30 by RPAD)
31. One CC to Sri Prabhakar Chikkudu Advocate [OPUC]
32. One CC to Dr. K.P. Rajender Kumar, Party in person (OPUC)
33. One CC to Smt Gorantla Sri Ranga Pujitha, Advocate (OPUC)
34. One CC to Sri Naresh Reddy Chinnolla, Advocate (OPUC)
35. One CC to Sri Kowturu Pavan Kumar, Advocate (OPUC)
36. One CC to Sri Qazi Salar Massod Aatif, Advocate (OPUC)

37. Two CCs to Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General (OUT)
38. Two CCs to the Advocate General, High Court for the State of Telangana (OUT)
39. Two spare copies

HIGH COURT

HCJ  
&  
BVR,J

DATED: 01-07-2020

NOTE: POST ON 20-07-2020

ORDER

WP(PIL) NOS: 56, 59, 61, 78, 82, 91, 92, 96 AND 111 OF 2020

DIRECTION

