

WWW.LIVELAW.IN
IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH
CHAUHAN
AND
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

Writ Petition (PIL) No. 58 of 2020
Writ Petition (PIL) No. 97 of 2019
Writ Petition (PIL) No. 50 of 2020
Writ Petition (PIL) No. 51 of 2020
Writ Petition (PIL) No. 67 of 2020
Writ Petition (PIL) No. 70 of 2020
Writ Petition (PIL) No. 61 of 2021
Writ Petition (PIL) No. 77 of 2021

16TH JUNE, 2021

Mr. Shiv Bhatt, the learned counsel for the petitioner in WPPIL No. 58 of 2020.

Mr. Abhijay Negi, the learned counsel for the petitioner in WPPIL No. 97 of 2019 and WPPIL No. 67 of 2020.

Mr. Dushyant Mainali, the learned counsel for the petitioner in WPPIL No. 50 of 2020.

Mr. S.N. Babulkar, the learned Advocate General assisted by Mr. C.S. Rawat, the learned Chief Standing Counsel for the State of Uttarakhand.

Mr. Rakesh Thapliyal, the learned Assistant Solicitor General for the Union of India.

COMMON ORDER: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

In pursuance of the order dated 09.06.2021,
Mr. Dilip Jawalkar, the learned Secretary, Tourism, has
joined the Virtual Court, through *Video Conferencing*,
from Delhi. Moreover, Dr. Ashish Chauhan, the learned

Additional Secretary, Culture and Religion Affairs Department, has submitted an affidavit dated 15.06.2021. The same shall be taken on record.

2. A bare perusal of the affidavit submitted by Dr. Ashish Chauhan clearly reveals that the said affidavit is devoid of any cogent and concrete supporting evidence for the statements made in the affidavit. In paragraph no. 6, the affidavit claims that "frequent surprise visits by the Sub-Divisional Magistrate, Badkot, the Sub-Divisional Magistrate, Bhatwari and the Joint CEO of the Devasthanam Board are being carried out". However, the outcome of all these "surprise visits" has nowhere been stated in the affidavit.

3. Similarly, in paragraph no. 10, it is stated "that the Government of Uttarakhand is also ensuring that every priest and other related persons in the Devasthanam has been given the second dose of vaccine, as they may be secured for their lives their life and prevent of COVID-19 (*sic*)". However, when the second dose was given? To how many persons the

second dose was administered? The relevant data is conspicuously missing from the affidavit.

4. In different parts of the affidavit, it is stated that either the learned Secretary, Tourism, or the CEO of the Devasthanam Board, or the Sub-Divisional Magistrate, have visited the Char Dham, and have discovered certain lacunae. However, how those lacunae have been filled up has not been revealed in the said affidavit. For example, although it is claimed that, on his visit, the learned Secretary, Tourism discovered that “no medical staff has been appointed” so far at the Char Dham, although it is claimed that directions were issued for posting of the medical staff, but whether the necessary medical staff has been so posted or not? The cadre of the medical staff so posted, is nowhere stated in the said affidavit.

5. Mr. Dilip Jawalkar, the learned Secretary, Tourism, informs this Court that the Government has so far taken a decision not to open the Char Dham Yatra for the visiting pilgrims till 22.06.2021. For, presently, the entire State is under a lockdown till the said date. Moreover, the decision whether to open up

the Char Dham Yatra after 22.06.2021 or not, is still under consideration by the State Government. Giving an example from the last year's practice, Mr. Dilip Jawalkar submits that in case the Char Dham Yatra were to be opened for the pilgrims, it would be done phase-wise, and not at one go. However, how many phases will be created, how many people in each phase will be permitted, the people from which areas will be permitted to visit the shrines, is all yet to be decided by the State Government. Mr. Dilip Jawalkar also informs this Court that a more detailed report will be filed by him in order to plug in the lacunae pointed out by this Court in the affidavit filed by Dr. Ashish Chauhan.

6. Mr. Shiv Bhatt, the learned counsel for the petitioner in Writ Petition (PIL) No. 58 of 2020, submits that, although the number of coronavirus cases is on the decline in the three districts of Chamoli, Rudraprayag and Uttarkashi, still considering the fact that last year about three lakh pilgrims had visited the Char Dham, strict vigilance and strict implementation of the SOPs issued by the Central and the State Government needs to be done by the State

Government. According to the learned counsel, even if 1,000 persons are permitted to simultaneously enter the temple without masks, without use of sanitizers and without maintaining social distance, the Char Dham Yatra may also emerge as a hot breeding ground for spike in COVID-19 cases.

7. On the other hand, Mr. Abhijay Negi, the learned counsel for the petitioners in Writ Petition (PIL) Nos. 97 of 2019 and 67 of 2020, informs this Court that there are two ways of reaching the Kedarnath shrine : firstly, by helicopter, and secondly by a sixteen kilometers trek, which is open to the public at large. According to the learned counsel, since most of the people trek through this sixteen kilometers trek, it is imperative that the trek be sanitized regularly by the Civil Administration. For, many people, who may be the carriers of the coronavirus, may either sit or touch objects on the trek, or may spit while they are trekking to the shrine. According to the learned counsel, this would expose the people to the coronavirus.

8. Considering the facts mentioned hereinabove, this Court issues the following directions: -

(i) Mr. Dilip Jawalkar, the learned Secretary, Tourism, shall file a report clearly mentioning the decision of the State Government with regard to the opening of the Char Dham Yatra.

(ii) He should further inform this Court with regard to the different phases in which the Char Dham Yatra is to be opened.

(iii) He should further inform this Court about the preparations made by the State Government to ensure that the SOPs issued by the Central and the State Government are strictly adhered to by the pilgrims.

(iv) He should also inform this Court with regard to the number of persons, who would be deployed for ensuring that the SOPs issued by the Central and the State Government are duly complied with.

WWW.LIVELAW.IN

(v) He should also inform this Court about the sanitization of the sixteen kilometers trek at the Kedarnath shrine, the infrastructure facilities and the equipment provided for such sanitization by the State Government.

9. The said report shall be filed by Mr. Dilip Jawalkar, the learned Secretary, Tourism, on or before 21.06.2021.

10. List all these cases on 23.06.2021.

RAGHVENDRA SINGH CHAUHAN, C.J.

ALOK KUMAR VERMA, J.

Dt: 16th June, 2021
RAHUL