

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 53 of 2021**

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SUO MOTU
versus
STATE OF GUJARAT

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Appearance:

SUO MOTU(25) for the Applicant(s) No. 1
for the Opponent(s) No. 2,3
GOVERNMENT PLEADER(1) for the Opponent(s) No. 1

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**CORAM:HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM
NATH**
and
HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 11/04/2021

ORAL ORDER
**(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE VIKRAM
NATH)**

1 The Division Bench presided by the Chief Justice on 06.04.2021 had a dialogue with the Senior most State Law Officers, learned Advocate General and the learned Government Pleader expressing concern regarding the upsurge of COVID-19 cases in the State and requesting the State to take appropriate measures in order to check & control the rise in COVID-19 cases and its management. The said dialogue was widely reported in the media i.e. electronic, digital and print. It has been five days since. The newspapers, news channels are flooded with the harrowing

tales, unfortunate and unimaginable difficulties, unmanageable conditions of the infrastructure, the shortfall and the deficit of not only testing, availability of beds, ICU, but also supply of Oxygen and the basic medicines like Ramdesivir, etc.

2 Had it been stray news here and there, I could have ignored it but the volume of report in the leading newspapers having nation wide circulation cannot be ignored. It is the time that the Court must intervene. A list of the articles along with xerox copies published in the past three days is a part of this order as **ANNEXURE-A**. Indian Express and Times of India reports have been attached considering my language barrier.

The aforementioned articles are just a few depicting the picture and a bare perusal of the same would indicate that the State is heading towards a health emergency of sorts.

3 Accordingly, I direct the Registry to register this

as a suo moto fresh Public Interest Litigation titled “In Re : Uncontrolled Upsurge and Serious Management Issues in COVID Control” by impleading (1) The State of Gujarat through its Chief Secretary, Gandhinagar, (2) Principal Secretary, Department of Medical, Health and Family Welfare, Government of Gujarat, Gandhinagar, (3) Union of India through the Secretary, Department of Home, Government of India, New Delhi, and (4) Secretary, Department of Health, Government of India, New Delhi. For the present, copy of this order along with xerox copies of the news reports be served today in the office of the learned Advocate General, learned Government Pleader and learned Additional Solicitor General by email and they may also be informed telephonically.

FURTHER ORDER

Let a Bench comprising of Chief Justice and Justice Bhargav D. Karia be constituted at C.J. Residence, tomorrow i.e. on 12.04.2021 at 11.00 a.m. Link may be generated and forwarded to the learned Advocate General,

learned Government Pleader and Shri Devang Vyas, learned Additional Solicitor General of India. The proceedings of the Chief Justice Court are livestreamed. We would request the learned Advocate General and learned Government Pleader to inform the top bureaucrats of the State to watch the proceedings subject to their convenience, specially those impleaded in this petition.

PRAKASH

(VIKRAM NATH, CJ)

सत्यमेव जयते

**THE HIGH COURT
OF GUJARAT**

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