

HIGH COURT OF ANDHRA PRADESH : AMARAVATI

CHIEF JUSTICE J.K. MAHESHWARI

&

JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION (PIL) No.84 of 2020

Dr. Koilagandla Nirajnaj, S/o. Lalaiah,
Aged 38 Years, Civil Asst. Surgeon,
Primary Health Center, Alamuru,
Kurnool, Andhra Pradesh.

.. Petitioner

Versus

Union of India rep. by its Prl. Secretary,
Dept. of Health & Family Welfare,
Govt. of India, New Delhi & others.

...Respondents.

Counsel for the petitioner

: Sri G.V.R.Chowdary

Counsel for the respondents
Pleader
General

: Special Government
for Advocate

ORDER:

Petition, under Article 226 of the Constitution of India, is filed questioning action of the respondents in refusing to allow the people coming from Hyderabad, State of Telangana with 'No Objection Certificate' issued by the said State and to permit them to cross the border and enter into Krishna District, Andhra Pradesh border to go to their native places/villages, and to declare the same as illegal, arbitrary and violative of Articles 19 (1) (d) and 21 of the Constitution of India.

2. Petitioner invoked the jurisdiction of the *Probono Publico* alleging that on account of a new disease named 'Novel Corona virus (COVID-19)' emerged in early December, 2019 in China and

has now spread over to several Countries. As on date, India has reported 678 cases, mostly among those who had travelled from affected Countries. It causes minor illness in majority of patients with symptoms of fever and/or cough. A small proportion of such persons may progress to severe disease with difficulty in breathing. It will be transmitted by an infected person with COVID-19 coughing and the droplets from his cough, infecting others in close vicinity (less than one meter). Any such new disease invariably related to cough leads to suggestions from various quarters especially in social media, to use mask by general public to prevent the disease.

3. Various employees, students and other persons, belonging to various walks of life, have been residing in Hyderabad and other places of the State of Telangana. On account of the lock down in the entire Country, the entire life of the citizens has come to a standstill and virtually every activity stood paralysed. Therefore, the residents of Hyderabad and other parts of Telangana and belong to the state of Andhra Pradesh were permitted to go over to their native places by issuing 'No Objection Certificate' by the Government of Telangana.

4. From 25.03.2020 onwards, various persons, belonging to the state of Andhra Pradesh, have been permitted to go over to their native places by issuance of a 'No Objection Certificate'. The hostels, restaurants, hotels, etc., were closed down and many of the students were finding it very difficult to find any accommodation as also the food very much needed for their sustenance. By the evening of 25.03.2020, the Government of

Telangana, having realized the difficulty that had arisen on account of the closure of hostels etc., had revoked the said decision. In the meanwhile, various persons, students, employees along with their families have started to come down to their native places in the State of Andhra Pradesh in their own and hired vehicles. However, the respondents stopped them at the aforesaid borders stating that they have no instructions to permit their entry into the State of Andhra Pradesh, as all the borders have been sealed as per the instructions of the Government. Thus, the various persons were stranded at the aforesaid borders viz., Addanki border near Damacherla, Jaggaipeta Border, Tiruvuru borders in Guntur and Krishna Districts and various elderly persons, who are infirm and sick, pregnant women and all persons have been suffering without any food, water and all other amenities like washroom facilities etc. They are unable to go back, since the shutdown would be in force till 14.04.2020 and they are in a state of utter shock and dismay and the authorities of the State of Andhra Pradesh have been unable to decide one way or the other. Hence, their standing on the border causes serious prejudice to the right to move and, as such, he requested to issue a direction to allow them to move to the State of Andhra Pradesh.

5. Heard, learned counsel for the petitioner, Sri G.V.R.Chowdary, and the learned Special Government Pleader on behalf of the learned Advocate General.

6. It is a peculiar case where the petitioner was prevented from entry into the State of Andhra Pradesh from Hyderabad which is

the capital of the State of Telangana. The reason for imposing such restriction is to prevent transmitting COVID-19 from one person to the other and to maintain social distance.

7. The main reason for spreading such disease is transportation of virus by the persons travelling from the affected countries suffering from infection and transmitting the same to various persons by their failure to maintain the social distance. Undoubtedly, petitioner was not allowed to enter into the State because of the alleged protocol issued by the Ministry of Health and Family Welfare and, according to the learned Special Government Pleader, appearing on behalf of the learned Advocate General, if the persons agree to observe quarantine for fourteen days in terms of the protocol issued by the Ministry of Health and Family Welfare, they have no objection to allow them to enter into the State of Andhra Pradesh.

8. The step taken by the State only to prevent further transmitting of Novel COVID-19 to others. If they are allowed to observe quarantine for fourteen days, the possibility of transmitting virus to others can be prevented. However, it is not known how many quarantine beds are available in the various parts of the State to take those people to quarantine or isolation centres. If the sick and infirm persons are not allowed and made to stand in open air, it will add to sufferance further and it may cause serious damage to their health. Hence, concerned authorities may conduct medical examination of those persons at the border itself by a competent Doctor and, if anyone of them are found unfit to move in the public and required to go to quarantine

centres, take such person only to quarantine centre, leaving the other persons to enter into the State to home quarantine under the surveillance of the doctor with the help of concerned police subject to the restrictions imposed by the State and Central Governments, restricting their movement on account of lockdown for twenty one days.

9. Hence, taking into consideration of the present conditions prevailing in the State and sickness and infirmity of several persons including pregnant women, we find it appropriate to direct the State to allow those persons with 'No Objection Certificate' obtained from the State of Telangana, examine them at the place of entry itself medically, if they are found medically unfit to move freely in the public, take them to quarantine centres and if they are not required to be kept in quarantine centres or isolation centres to allow them to enter into the State of Andhra Pradesh to home quarantine under the surveillance of the doctor with the help of concerned police subject to lockdown declared in the country.

10. With the above direction, the W.P.(PIL).(SR).No.11080 of 2020 is disposed of at the stage of admission with the consent of both the learned counsel. There shall be no order as to costs.

J.K.MAHESHWARI, CJ

M. SATYANARAYANA MURTHY, J

26th March, 2020

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