

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

I. A. NO 2020

IN

WRIT PETITION (CIVIL) Diary NO. 10947 OF 2020

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

**IN THE MATTER OF**

JAGDEEP S CHOKKAR & ANR ...PETITIONER

V/S

UNION OF INDIA ...RESPONDENT

**AND**

**IN THE MATTER OF**

KAMLAKAR R. SHENOY

INTERVENTION

/APPLICATION

***PAPER BOOK***

***FOR INDEX***

***(KINDLY SEE INSIDE)***

**ADVOCATE FOR THE PETITIONER: OM PRAKASH  
PARIHAR**

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Omprakash Parihar  
Advocate on Record  
Code No :2462  
9769139664

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
I.A NO. OF 2020

IN

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(PUBLIC INTEREST LITIGATION)

**IN THE MATTER OF**

JAGDEEP S CHOKKAR & ANR

...Petitioner

V/S

Union of India

...Respondent

**AND IN THE MATTER OF**

KAMLAKAR RATNAKAR SHENOY,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...Applicant /intervener

**AN APPLICATION FOR INTERVENTION**

To,

The Hon'ble Chief Justice and

His companion Justices of the

Supreme Court of India

The humble Petition of  
the Petitioner abovenamed

**MOST RESPECTFULLY SHEWETH :**

1. That the above writ petition is filed before this Hon'ble Court urging it to direct the central government to allow migrant workers to return to their home towns and villages after testing for COVID-19 and the authorities to provide for their safe travel back home
2. Above Petition is pending and likely to be listed soon before the appropriate bench of this Hon'ble Court.
3. That Petitioner full name: Kamlakar Ratnakar Shenoy,  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
4. The Intervener is making this application seeking indulgence of this Hon'ble Court for permitting them to intervene in the above matter so as to demonstrate that the taking any such measure before the lock down is over will be serious threat in containing the COVID-19 spread

5. That in order to control the spread of coronavirus, proper Lockdown is very necessary and in order to keep the Lockdown partial and equal for each citizen and in such situation nobody should be allowed to violate the lockdown norms including migrant workers so that virus is not spread and people's lives can be saved . That under the present health care system which we have in place it cannot be said that all the test are accurate , even in advanced health care system all test cannot be termed as accurate. There are various report available which suggest that common test for COVID -19 may produce false negative up to 30%. Petitioner states that online health magazine health line .com had published an article just few days ago which has raised concerns that no COVID-19 test is faultless and the high rate of false negatives is likely due to collection rather than testing in a laboratory. "Tests have different sensitivity and specificity. Needless to state that high rate of incorrect negative results are also due to collection procedure adopted by different person at different locations and for want of well trained health care workers .It's important to recognize that none of COVID-19 conducted are perfect and faultless as there are still

research being conducted to understand the disease by leading developed countries . The 30 percent rate is based on collection, not the analytic performance of the test, “ The petitioner’s contention is that those who have tested COVID-19 should be allowed is laughable and preposterous , and there are all likely hood that respective authorities just to run away from their responsibility of providing reliefs and shelter may just declare large number of poor migrants COVID negative and it will be used as tool to show decrease in COVID positive cases putting citizens at large at risk which means that even after COVID negative test patient is still at risk .The above mentioned article is available on the below link.

“ <https://www.healthline.com/health-news/false-negatives-covid19-tests-symptoms-assume-you-have-illness#How-false-negatives-happen>

6. As per media report of 20.04.2020, union home ministry has decided not to allow interstate travel of migrant worker after central government implements its decision to open some economic activities in some non hot spot areas from tomorrow ,instead the workers stranded in the lockdown must register with local authorities to find out their

suitability for various kind of job , the news report is available at the below link

<https://www.ndtv.com/india-news/coronavirus-lockdown-no-inter-state-movement-allowed-for-stranded-labourers-workers-to-register-with-2214451>

7. In view of the above it is not desirable to allow the above petition filed by the petitioner as any relief in favour of the petitioner will only lead to spreading of COVID-19 across country .
8. This Hon'ble Court may allow the applicant here in to make his submissions for proper adjudication of the above writ petition.
9. This application is made bona fide and in the interest of justice.

#### PRAYER:

- a. Permit the present Applicant herein to intervene in the aforesaid Writ Petition bearing W.P. (C) No. of 2020;
- b. Permit the Applicant to place its Written Submissions before this Hon'ble Court;

- c. Pass any other order/orders as may be deemed fit in the facts and circumstances of this case.

AND YOUR APPLICANT/ INTERVENOR, AS IN  
DUTY BOUND SHALL EVERY PRAY



Drawn and filed by

Omprakash Parihar

Advocate for the Applicant

Drawn on: 19.04 .2020

Filed on : 19.04.2020

New Delhi

VERIFICATION Verified this on this 20th day of April 2020,  
at Mumbai / Delhi that the contents of the above Affidavit from

para 1 to 2 are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

k.r.shenoy

DEPONENT

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KAMLAKAR R SHENOY

...Applicant /Intervener

**V A K A L A T N A M A**

I, Kamlakar R Shenoy the applicant in the above application and I do hereby appoint and retain **OMPRAKASH AJITSINGH PARIHAR , Advocate**, Supreme Court to act and appear for me/us in the above Interlocutory Application, Petition, Appeal and on my/our behalf, to conduct and prosecute/defend the same and all proceedings that may be taken in respect of any application connected with the same or any Decree or order passed therein, including proceedings in taxation and application for Review, and to file and obtain return of documents, and deposit and receive any money on my/our behalf in the said I.A., Petition, Appeal and in application for Review, and to represent me/us, and to take all necessary steps on my/our behalf in the above matter. I/We agree to pay his fees and out of pocket expenses, agree to ratify all acts done by the aforesaid advocate in pursuance of this authority.

Dated this the 19.04. 2020



ACCEPTED & IDENTIFIED & CERTIFIED

**OMPRAKASH AJITSINGH PARIHAR**

**ADVOCATE SUPREME COURT**

*k.r.shenoy*  
**Applicant**

**MEMO OF APPEARANCE**

The Registrar,  
Supreme Court, N.D.  
Sir,

Kindly enter my appearance in the above-mentioned  
Petition/Appeal/ Reference/Review made on behalf of the  
Petitioner/Respondent.



Yours faithfully,  
**OMPRAKASH PARIHAR**

New Delhi  
Date: 19.04.2020

Advocate for the Applicant  
J-2/42B 1<sup>st</sup> floor DDA flats,  
Kalkaji New Delhi - 19  
Code No.2462.