

\$~10 & 11.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3032/2020 & CM APPL. 10552/2020**

KARAN SETH

..... Petitioner

Through: Mr. Darpan Wadhwa, Senior
Advocate with Mr. Arjun Syal,
Ms. Manjira Das Gupta, Advocates
with petitioner.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Ms. Anjana Gosain with Himanshi,
Adv.s. for R-1.
Mr. Anand Varma, Advocate for
respondent No.4/AIIMS.
Mr. Rahul Mehra, Standing Counsel
for GNCTD with Mr. Chaitanya
Gosain, Adv..
Mr. Gautam Narayan, Adv. for
GNCTD.
Mr. Parvinder Chauhan, Adv. for
DUSIB.

+ **W.P.(C) 3046/2020 & CM APPL. 10610/2020**

RACHNA MALIK

..... Petitioner

Through: Mr. Darpan Wadhwa, Senior
Advocate with Mr. Arjun Syal,
Ms. Manjira Das Gupta,
Advocates Mr. Vaibhav Pratap Singh
with Ms.
Sharanya Sinha, Adv.s. with petitioner
in person.

versus

AIIMS AND ANR

..... Respondent

Through: Mr. Anand Varma with Mr.

Shwetank Singh, Advocate for
Respondent AIIMS.
Mr. Rohan Anand for Mr. Kirtiman
Singh, Advs. For UOI.

CORAM
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

%

ORDER
14.05.2020

W.P.(C) 3046/2020 & CM APPL. 10610/2020

1. We have heard learned counsels. Respondent No.4/ AIIMS has filed a status report. Mr. Gautam Narayan, Additional Standing Counsel (Civil), GNCTD has also filed a compilation of documents, which contain the orders passed by the concerned SDM with regard to issuance of bus passes to the patients and their attendants – who are housed at Gargi School, to be taken to AIIMS for the purpose of treatment, and the order dated 11.05.2020 to provide building of Pratibha Primary Co-ed School, Green Park (Pratibha School) for the purpose of using the same as a shelter for the patients and their attendants while maintaining social distancing norms and related aspects. The same have been perused.
2. The position which emerges is that about 57-59 persons – who were occupying the night shelter (porta-cabin) opposite AIIMS, have already left for their native places. The petitioner has provided a list of about 93 such persons, who expressed their desire to go back to their native places. It is only a matter of time that such patients and their attendants would, therefore,

go back to their native places. In case they require any travel pass for that purpose, the SDM concerned shall facilitate the same.

3. AIIMS in its status report has stated that it could accommodate about 50-60 persons in their *Vishram Sadan*. With persons leaving the night shelter and Gargi School, and with AIIMS offering to accommodate about 50-60 persons, it is likely that in a week or so, the issue with regard to the compliance of social distancing norms of persons housed at the *Rain Basera* would not survive. In fact, Mr. Chauhan submits that it is likely that the requirement of using Gargi School, or Pratibha School, as shelters may not survive in the near future. He further states that, in any event, till so long as shelters have to be provided, the responsibility with regard to the management of the shelters shall be shouldered by the DUSIB.

4. It has been suggested by Ms. Rachna Malik, and we think that her suggestion is reasonable, that the patients who require daily/ regular treatment at AIIMS, and their attendants, should preferably be housed at either the *Vishram Sadan*, or at the night shelter opposite AIIMS, whereas others – who do not require such like regular treatment, could be put up at Gargi School, or the Pratibha School, if necessary and if sufficient accommodation is not available at the night shelter/ *Vishram Sadan*.

5. In the light of the aforesaid, we direct the authorities to look into the aspect of housing the patients and their attendants at one or the other facility, keeping in view the situation as it emerges, and also taking note of the fact that some patients may require treatment at AIIMS on a regular/ daily basis, while others may not.

6. We direct the DUSIB to ensure that till so long as shelter/ accommodation is required for the patients and their attendants – whether at the night shelter opposite AIIMS, or at Gargi School, or Pratibha School, the DUSIB shall ensure that all facilities are coordinated and provided. We find from the status report of DUSIB that in response to the order issued by the SDM under the Disaster Management Act, 2005, DUSIB had expressed that it does not fall within the scope of its mandate to provide special diets, such as liquid and semi-solid diets, to patients with special needs.

7. Mr. Chauhan has stated that food is otherwise being provided to all the patients and their attendants at the shelters, including at Gargi School. In view of the difficulty expressed, special food, i.e. liquid and semi-solid diets are being arranged by Radha Swami Satsang, Beas. That arrangement be continued till so long as it is required. It goes without saying that the orders passed by the authority under the Disaster Management Act – which are in force, are required to be followed by all concerned authorities.

8. AIIMS has also stated in its status report that it is providing telephonic consultations to patients by fixing the appointments in advance. Mr. Varma submits, on instructions, that AIIMS is keen to start the OPD in a phased manner, and we hope that in the next two weeks, AIIMS would re-start its OPD services in a limited way at least. We are informed that AIIMS is providing all the necessary treatments to patients in emergency and is also providing Chemotherapy to Cancer patients as and when required.

9. We are happy to note that AIIMS is now disbursing medicines prescribed by its doctors to the patients under its treatment from its

Pharmacy. Such disbursement should continue without endorsement in respect of the prescribed medicines for the duration for which the prescription is made.

10. Ms. Rachna Malik places on record her appreciation for the role played by the AIIMS and its counsel Mr. Anand Varma in resolving the issues raised by her in her petition. The said appreciation is taken on record.

11. The petition preferred by Ms. Rachna Malik i.e. W.P.(C.) 3046/2020 stands disposed of.

12. However, since Ms. Rachna Malik has made useful contribution in this matter, we permit her to remain associated with the other petition, i.e. W.P.(C.) No.3032/2020.

C.M. No. 10906/2020 in W.P.(C.) 3032/2020

13. In view of the above order, this application does not survive. Accordingly, the same stands disposed of.

W.P.(C.) 3032/2020 & CM APPL. 10552/2020

14. List for reporting status on 22.05.2020. The matter shall be treated as part-heard.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 14, 2020

B.S. Rohella