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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

LD-VC-JS-PIL- 10 OF 2020

Mehrwan Farshed

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
LD-VC-JS-PIL- 11 OF 2020

Dayanand Stalin

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

WITH
LD-VC-JS-PIL- 18 OF 2020

Mutahhar Khan

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Mr. Gaurav Srivastav a/w Ms. Priyanka Gharge i/by Mr. S. K. Srivastava & Co. for Petitioner in LD-VC-JS-PL-10-2020.

Mr. Ankit Kulkarni i/by Ms. Ronita Bhattacharya for petitioner in LD-VC-JS-PL-11-20.

Mr. Mutahhar Khan, Petitioner in person in LD-VC-JS-PIL- 18 OF 2020.

Mr. Anil Singh, ASG a/w Mr. Aditya Thakkar a/w Mr. D. P. Singh for UOI.

Ms. P. H. Kantharia, Govt. Pleader a/w Ms. Jyoti Chavan, AGP a/w Mr. Manish Upadhyay for State.

Mr. A. Y. Sakhare, Senior Advocate a/w Ms. Yamuna Prekh for respondent-MCGM.

Mr. Amit Karkhanis a/w Mr. Aniket Mokashi i/by Ray Legal Associates LLP for Respondent Nos.9, 11, 13 & 14 in LD-VC-JS-PL-10-20.

CORAM: DIPANKAR DATTA, CJ. &
A. A. SAYED, J.

MAY 15, 2020.

P.C.:

1. In this batch of PIL Petitions, common issues have been raised, viz. Covid and non-Covid affected patients have been refused treatment in Government as well as Private Hospitals leading to death of number of them; families of elderly Covid affected patients have been forced to wait day and night for hours just for routine medical examination; in the absence of requisite medical facilities made available for non-Covid patients, many of

them have been unnecessarily suffering and even succumbed to their respective ailment/disease without proper treatment; major hospitals and nursing homes in the city of Mumbai have closed down due to spread of Covid; and that the State and the Corporation have, despite genuine efforts, failed to ensure adequate medical facilities for treatment of patients suffering from ailments other than Covid.

2. We have heard learned Counsel appearing for the respective petitioners, Mr. Sakhare, learned Senior Counsel appearing for Municipal Corporation of Greater Mumbai, Mr. Singh, learned Additional Solicitor General appearing for the Union of India, Ms. P. H. Kantharia, learned Government Pleader appearing for the State as well as Mr. Karkhanis, learned Counsel appearing for some of the private institutions/private respondents in LD-VC-JS-PIL- 10 OF 2020.

3. The PIL Petition is vehemently opposed by Mr. Sakhare. He disputes that arrangements have not been made for treatment of non-Covid patients. It is submitted by him that sufficient arrangements are in place to look after the needs of non-Covid patients.

4. In course of hearing, we have been apprised that the petitioners as well as the private institutions have valuable suggestions to offer which, if accepted and implemented by the Corporation and the State, would go a long way to ensure better health conditions for Covid as well as non-Covid patients.

5. Having regard to the havoc wreaked by Covid and in the absence of any therapeutic cure of the disease, every possible option ought to be explored so that the suffering of the people at large can be minimised to the extent possible. If indeed what the petitioners and the private institutions suggest are of any help or assistance to mankind, we see no reason as to why the State and the Corporation may not consider the same in its true perspective. Despite the initial opposition, Mr Sakhare has also fairly submitted that if at all the petitioners' suggestions are of any worth, the Corporation will look into the same.

6. Having regard to the above, we grant liberty to the petitioners as well as the private institutions to make a single set of compilation of all their suggestions by Sunday next and to forward the same to the Counsel for the State as well as the Corporation for proper consideration thereof upon due application of mind. We make it clear that the suggestions shall be realistic so that they can be implemented and it shall also be ensured that the same are consistent with the extant medical protocol.

7. We hope and trust that the suggestions, if made, shall receive the care and attention the same deserve at the hands of the State and the Corporation and a report shall be filed on their behalf indicating therein the steps that are proposed to be taken, if at all, by May 22, 2020 when this batch of PIL Petitions may be considered next.

8. This order will be digitally signed by the Sr. Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

A. A. SAYED, J.

CHIEF JUSTICE