

THE HIGH COURT OF MADHYA PRADESH

WP-13544-2020

[Ashish Pratap Singh vs. State of M.P. & Ors.]

Gwalior dated 18.09.2020

Shri Veer Singh Sisodiya, learned counsel for the petitioner.

Shri Ankur Mody, learned Additional Advocate General for respondents/State.

Heard learned counsel for the parties through Video Conferencing.

This Probono Publico Petition has been filed by the petitioner claiming following reliefs:-

- “a) The respondents may kindly be directed to take action against the political parties who are going to conduct functions.
- b) The respondents authority be directed to follow the guidelines issued by the Hon'ble Apex Court and State Governments. Further directed to take action under the Disaster Management Act.
- c) The respondents authorities be directed to take action for restraining the function organized by the political parties.
- d) Cost of the petition be awarded.”

Learned counsel for the petitioner submits that the present petition relates to COVID-19 Pandemic situation of the country, wherein the aforesaid reliefs have been sought for.

Let notices be issued to the respondents on payment of process fees within **next 3 (three) working days**.

Learned counsel for the petitioner submits that looking to the present situation of COVID-19 Pandemic, as an interim measure, ongoing political functions/gatherings be directed to be immediately stopped in the light of various directions/circulars issued by the Central Government as well as State Government in this regard. It is further submitted that the State

Authorities are not discharging their duties properly due to unexplained pressure over them. The present Corona virus is highly infectious, therefore, meanwhile on-going political functions/gatherings be immediately stopped.

Considered the submissions and perused the available record.

It is undisputed that COVID-19 Pandemic situation is on the rise. Various instructions & precautionary guidelines have been issued from time to time by Central Government/State Government to contain the aftermath.

In the present petition, allegations are made against the political functionaries, who are supposed to be role model for persons they represent. It is urged that a leader ought to lead by example.

Though learned counsel for the petitioner has filed various photographs showing gatherings of lot of people at a place, but at this stage the said photographs cannot be connected to any incident as alleged without sufficient evidence. However, if the photographs filed are taken to be of recent congregations as alleged, then the political functionaries/administrative authorities appear to be acting in irresponsible manner. Law, whether statutory or in shape of executive instructions, deserves respect & obedience, as much from a common man as from a leader, a political functionary and even the head of State. This court is reminded of the maxim “Be you ever so high, the Law is above you”.

Therefore, as an interim measure, in the interest of public at large, rather in the interest of the Nation, we trust and expect that till next date of hearing Political Functionaries and the Functionaries of the State shall strictly abide by the “Covid-19 protocol” prescribed by the Central Govt., State Govt. and the District Magistrate of the concerned District from time to time for regulating the congregation of any nature.

Looking to the important nature of cause raised in this Public Interest Litigation, Shri Sanjay Dwivedi Advocate, Shri Raju Sharma, Advocate and Shri V.D.Sharma, Advocate are hereby appointed as *Amicus Curiae* to assist this court for rendering justice.

It is expected from the *Amicus Curiae* so appointed to immediately inform this court through Principal Registrar of the Bench about any breach of this order by anyone so that case can be taken up at any earlier date.

The Principal Registrar of this court is directed to list this matter immediately on receiving the intimation for pre-ponment from any of the *Amicus Curiae* after taking due approval from the Principal Seat at Jabalpur.

Meanwhile, the Registry is directed to supply soft copy of the entire pleadings and documents filed by petitioner and also respondents, to each of the *Amicus Curiae*, for which the matter be placed before the Principal Registrar for doing the needful.

List in the week commencing 28th September, 2020.

(Sheel Nagu)
Judge

(Rajeev Kumar Shrivastava)
Judge

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