

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
FRIDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY**

: PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

WP (PIL). Nos. 109 and 39 of 2019 and 176 of 2016

WP(PIL). No. 109 of 2019

Between:

Dr. M. Karuna, W/o P Krishna Mohan

Petitioner

AND

1. The State of Telangana, rep. by its Principal Secretary Medical and Health and Family Welfare Department, Secretariat, Hyderabad.
2. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad
3. The Commissioner of Health and Family Welfare, Government of Telangana, Koti, Hyderabad.
4. The Director of Public Health and Family Welfare, Koti, Hyderabad.
5. The Joint Director of State Epidemics Cell, Government of Telangana, Koti, Hyderabad.
6. The Institute of Preventive Medicine, Rep., by its Director Narayanaguda, Hyderabad.
7. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank bund, Hyderabad.
8. The Chief Entomologist, Greater Hyderabad Municipal Corporation, at tank bund, Hyderabad.
9. Union of India, Rep. by its Secretary Health and Family Welfare, New Delhi.
10. The Director of National Vector Borne Disease Control Programme (NVBDCP), 22, Sham Nath Marg, Delhi - 110054.

Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the petition and affidavit filed herein, the High Court may be pleased to issue Writ or Direction preferably Writ of Mandamus declaring the inaction of the Respondents (a) in taking appropriate steps for eradicating Dengue Fevers by creating public awareness through "Fight Dengue Campaigns," (b) in taking necessary steps for preventing the breeding of Dengue causing mosquitoes and the spread of Dengue Fevers, and (c) putting a structure/mechanism in place for immediate reporting of dengue cases by private hospitals and private medical practitioners, as illegal, opposed to Public Health and in violation of Article 21 of the Constitution of India and consequently issue appropriate directions to the Respondents;

TAKEN UP W.P. (PIL) NO: 39 OF 2019

Between:

Rapolu Bhaskar Netha, Advocate Flat No. 501, Vaishnavi Nest Apartments, Beside Ikon Hospital Dilsukhnagar, Hyderabad-60 Cell No. 93946 42029, 9848498029.

.. Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
2. The Commissioner of Health and Family Welfare, Government of Telangana, Hyderabad.
3. Telangana Vaidya Vidhana Parishad, Represented by its Commissioner, Hyderabad.
4. Osmania General Hospital, Represented by its Superintendent, Hyderabad.
5. Nizam Institute of Medical Science (NIMS), Represented by its Director, Hyderabad.

6. Gandhi Hospital, Represented by its Superintendent, Secunderabad.
7. The State of Telangana, Represented by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad.
8. Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Tank Bund, Hyderabad.
9. The Union of India, Rep. by Principal Secretary, Health & Family Welfare, New Delhi (R 9 is suo moto impleaded as per Court Order dated 30.04.2019 in WP(PIL) No. 39 of 2019)

.. Respondents

Petition filed under Article 226 of Constitution of India praying that in the circumstances stated in the petition and letter dt. 19-11-2018 and 27-11-2018 addressed by the petitioner herein, to issue an appropriate Writ, Order or Orders more particularly one in the nature of Writ of Mandamus to call for remarks and records from the respondents herein relating to and in connection with providing adequate Medical facilities in Government Hospitals in the State of Telangana, which are not equipped properly to treat the diseases like Swine Flu, Malaria, Dengue fevers etc., especially in the Twin cities, due to which majority of the patients affected are forced to get admitted in private Hospitals, which are collecting huge amounts from the poor people, since it is the duty of the Government to provide free medical aid to its people and also to take adequate preventive measures to curb the menace of swine flu, malaria, dengue, typhoid etc. by directing the civic authorities to deal with the menace of mosquitoes, which are primarily responsible for the occurrence of the above diseases. Consequently, this Honble Court may be pleased to issue necessary directions to the respondents herein for taking preventive measures to curb the menace of Swin Flu, Malaria, Dengue, Typhoid etc., and further direct the Municipal authorities to deal with the menace of mosquitoes, which are primarily responsible for the occurrence of the above diseases.

WP(PIL).No.176 of 2016

Between:

WELTECH FOUNDATION, Represented by its President, Ch.Veera Chary, Regd., Office at: Flat No.105, Canara Bank Building, Mettuguda, Secunderabad. Pan No: AFHPC04339 Mail Id: welltechfoundation@ gmail.com Mobile: 9550765346.

....Petitioner

AND

1. The State of Telangana, Rep., by its Chief Secretary, Secretariat Buildings, Hyderabad.
2. The State of Telangana, Rep. by its Prl. Secretary to Health Medical & Family Welfare, Secretariat Building, Hyderabad.
3. The State of Telangana, Rep. by its Principal Secretary, Municipal Administrative & Urban Development, Secretariat, Hyderabad.
4. The Director, Public Health and Family Welfare, Directorate of Health & Medical Services, Sultan Bazar, Koti, Hyderabad-500095.
5. The commissioner,, Greater Hyderabad Municipal Corporation (GHMC) Tankbund, Hyderabad.
6. The Director,, National Vector Borne Disease Control Program, (NVBDCP), Ministry of Health & Family Welfare, 22, Shamanth Marg, New Delhi-110054.
7. The Addl. Director, State Proc:ram officer,, Directorate of Health & ML.Jical Services, Sultan Bazar, Koti, Hyderabad-500095.
8. The Medical Council of India,, Represented by Secretary, Pocket-14, Sector-8, Dwaraka Phase-1, New Delhi -110077.

...Respondents

Petition filed under Article 226 of Constitution of India praying that in the circumstances stated in the petition and letter dt. 19-11-2018 and 27-11-2018 addressed by the petitioner herein, to to issue Writ or direction one or more particularly in the nature of Writ, Order or direction one or more particularly in the nature of Writ of Mandamus declaring the action of the respondents in not preventing the dengue and Malaria fever in the various districts of Telengana state as illegal, void, arbitrary in the interest of justice and consequently direct the respondents No. 2 & 4 to provide quality treatment to Dengue & Malaria patients in Telangana State by increasing the number of beds in primary health centres not less than 50 beds and also not less than 200 beds in area hospitals of each district of Telangana State especially for dengue and Malaria patients and

pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

These petitions coming on for hearing, upon perusing the petitions and the letter dt.19-11-2018 and 27-11-2018 filed in support thereof, and the orders of the High Court dated 24-04-2019, 30-04-2019, 12.07.2019, 7.9.2019, 11.9.2019, 25.9.2019, 23.10.2019, 24.10.2019, 08.11.2019, 15-11-2019, 29-11-2019 & 23.12.2019 made herein, and upon hearing the arguments of Sri K.Pawan Kumar, Advocate for the Petitioners in both petitions, and of the Mr.P.Radhive Reddy, GP Attached to the Respondents in both petitions, and Sri S. Niranjan Reddy, Amicus Curiae, the Court made the following;

ORDER:

The learned counsel for the State has filed an affidavit of Dr. G. Srinivas Rao, the Director of Public Health and Family Welfare, the respondent No. 4. The same shall be taken on record.

Mr. S. Niranjan Reddy, the learned Senior Counsel, and the learned Amicus Curiae in this case, has drawn the attention of this Court to the minutes of H1N1 (Swineflu) Technical Committee Meeting dated 02-01-2020. According to the learned Senior Counsel, although certain decisions have been taken, the State should be asked to submit a detailed report about the follow up action taken on the basis of the said decision. He further submits that by Memo dated 27-12-2019, certain instructions have also been issued by the respondent No. 4 to all the DM&HOs in the State.

Whether the instructions have been complied with is unknown. Therefore, the respondent No. 4 is directed to submit a detailed report with regard to the implementation of the decisions taken in the H1N1 (Swineflu) Technical Committee Meeting dated 02-01-2020, and also the concrete steps taken on the basis of the Memo dated 27-12-2019, issued by the respondent No. 4 to all the DM&HOs in the State.

List this case on 24-01-2020.

Sd/- K.PRABHAKAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Chief Secretary, State of Telangana, Secretariat, Hyderabad . **(By Special Messenger to communicate to all the District Medical Officers and the Diagnostics Labs through out the State)**
2. The Principal Secretary Medical and Health and Family Welfare Department, State of Telangana, Secretariat, Hyderabad.
3. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad
4. The Commissioner of Health and Family Welfare, Government of Telangana, Koti, Hyderabad.
5. The Director of Public Health and Family Welfare, Koti, Hyderabad. **(By special Messenger)**
6. The Joint Director of State Epidemics Cell, Government of Telangana, Koti, Hyderabad.
7. The Director, Institute of Preventive Medicine, Narayanaguda, Hyderabad.
8. The Commissioner, Greater Hyderabad Municipal Corporation, Tank bund, Hyderabad.
9. The Chief Entomologist, Greater Hyderabad Municipal Corporation, at tank bund, Hyderabad.
10. The Secretary, Health and Family Welfare, Union of India, New Delhi.
11. The Director of National Vector Borne Disease Control Programme (NVBDCP), 22, Sham Nath Marg, Delhi - 110054.
12. The Commissioner, Telangana Vaidya Vidhana Parishad, Hyderabad.
13. The Superintendent, Osmania General Hospital, Hyderabad.
14. The Director, Nizam Institute of Medical Science (NIMS), Hyderabad.
15. The Superintendent, Gandhi Hospital, Secunderabad.(Addressees 1 to 15 by RPAD)

16. Two CCs to Advocate General, High Court of Telangana, Hyderabad (OUT) (**By Special Messenger**)
17. Two CCs to Andapalli Sanjeev Kumar, Special G.P, High Court, Hyderabad (OUT)
18. One CC to Sri Kowturu Pavan Kumar, Advocate (OPUC)
19. One CC to Sri S.C.Murali Mohan Rao, Advocate (OPUC)
20. One CC to Sri.Rapolu Bhaskar, Advocate (OPUC)
21. Two spare copies

HIGH COURT

**HCJ
&
AARJ**

DATED: 10.01.2020

NOTE: LIST THIS CASE ON 24.01.2020

ORDER

WP(PIL).Nos.109 and 39 of 2019

DIRECTION

