

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

&

THE HONOURABLE MRS. JUSTICE M.R. ANITHA

FRIDAY, THE 8TH DAY OF MAY 2020 / 18TH VAISAKHA, 1942

W.P.(C).9750 of 2020

Petitioners : -

1. Saju Joseph, aged 48, W/o Biju Varghese
26 DD Village, May First Road,
Thammanam, Kochi 682032
2. Sibi K.R, aged 54, W/o. George K.M,
Kalathil House, 1034, Federal City,
Karayamparambu, Angamaly. Ernakulam District-
3. Fr. Shobin Paul, aged 48, S/O Late Paily Paulose,
Mundakkalveloor, Puthencruz, Ernakulam District-

By Adv V Philip Mathews

Respondents :-

1. Union of India, represented by the
Secretary to Government, Ministry of Home,
North Block, Raisana Hill, New Delhi – 110001.
2. State of Kerala ,
Represented by Chief Secretary,
Kerala Government Secretariat,
Thiruvananthapuram – 695 001.
3. The National Disaster Management Authority,
Government of India,
Represented by its member Secretary
NDMA Bhawan, A-1, Safdarjung Enclave,
New Delhi-110029
4. Kerala state Disaster Management Authority
Represented by its Chair Person
Observatory Hills, Vikas Bhavan,

Thiruvananthapuram- 695033

5. The Additional Chief Secretary,
Home and Vigilance Department,
Kerala Government Secretariat
Thiruvananthapuram -695001
6. The Secretary, Ministry of Home affairs
Government of India, North Block, New Delhi-110001

By Sri.Jaisankar V.Nair

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
8.5.2020, THE COURT ON THE SAME DAY, PASSED THE FOLLOWING:

ORDER

Shaji P.Chaly, J.

1. This is a public interest litigation filed, seeking direction to open Churches in Orange and Green zones and permit public worship. In fact we are informed that as per the advisories issued, the religious ceremonies can be conducted in Churches; however, with limitation of five persons including Priests and altar server. If that be the situation, the contention put forward by the petitioner that the Churches are not functioning is not correct. However, it is true that as per the advisories the participation of public is not possible. Prima facie, we are of the considered opinion that the public will have to abide by the lock down advisories issued by the Central and State Governments for protecting larger public interest. Lock down is extended upto 17.5.2020. We are also of the opinion that the issue raised by the petitioners are all matters to be looked into by the Central and

State Governments. It is apparent that the petitioners have not further approached the Central and State Governments by filing petitions.

2. We make it clear that pendency of this writ petition will not stand in the way of the petitioners moving appropriate application before the Central as well as the State Governments for any relaxation. Anyhow, matters raised by the petitioners are serious in nature, and therefore counter-affidavit from both Central and State Governments are required.

3. Post on 18.5.2020.

SHAJI P. CHALY, Judge

M.R. ANITHA, Judge

APPENDIX

Exhibits

Exhibit P1: Copy of Kerala Government order notifying lockdown dated 23.03.2020

Exhibit P2 : Copy of Government of India Order containing guidelines for preventingspread of COVID-19 dated 15.04.2020

Exhibit P3: Copy of Kerala Government Order containing revised consolidated guidelines for containment of COVID-19 dated 23.04.2020

Exhibit P4: Copy of Order by National Disaster Management authority dated 01.05.2020 extending lockdown

Exhibit P5: Copy of order by Union Home Secretary dated 01.05.2020 issuing new guidelines on lockdown

Exhibit P6: Copy of G.O dated 04-05-2020 issued by the second respondent

Exhibit P7: Copy of relevant pages of National Disaster Management Plan