



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2025
(arising out of SLP(C) No. 2972 of 2019)

ARVIND KUMAR BHATI **APPELLANT(S)**

VERSUS

STATE OF UTTAR PRADESH & ORS. RESPONDENT(S)

With

CIVIL APPEAL NO. OF 2025
(arising out of SLP(C) No. 9299 of 2018)

ORDER

Leave granted.

The impugned judgment dated 09.03.2018 decided Public Interest Litigation (PIL) No. 14588/2009 filed by Snehalata Singh @ Salenta and others against the State of Uttar Pradesh and others, whereby several directions were issued to the State Government, through the Chief Secretary, on maintenance of hospitals by the State of Uttar Pradesh, including hospitals in medical colleges and Universities.

While we understand the importance of the issue involved and that the High Court can always interfere when the facts and circumstances so warrant, we are clearly of the view that certain directions that were given did not fall within the four corners of the writ powers exercised by the High Court, for several reasons, including the reason that they were purely policy matters or dealt with day-to-day administration.

This Court, while issuing notice in Civil Appeal @ SLP(C) No. 9299/2018 vide order dated 14.05.2018, had stayed clauses (d) to (h) of Direction No. (xiii) and Direction No. (xiv) in paragraph 146 of the impugned judgment, which read thus: -

“(xiii) In the matter of appropriate treatment at Trauma Centres, State Government shall ensure transportation of patients to Trauma Centres. One of important step which needs immediate care is that unobstructed smooth passage be made available to ambulances carrying such patients. This aspect needs effective Traffic Management on roads and other requisite preparation. On this aspect we issue specifically following directions to Principal Secretary Home; Transportation as also Director General of Police, U.P.:

(a) to (c) xxx xxx xxx

(d) After carrying on above Awareness Programme for two months, entire Traffic Police Force including other Police Personnel shall ensure clear passage, proper parking of vehicles, non-encroachment of roads etc. and any person violating the same should be fined heavily.

(d) Local Traffic Police people, if any congestion is caused, should be held personally responsible and appropriate strict action be taken against them.

(e) Any damage suffered by injured/serious patients due to obstruction in smooth passage for ambulances etc. must be held a criminal liability, besides civil, of the person(s) creating such obstruction as also the persons responsible for management of traffic including traffic Police Personnel.

(f) In residential areas where people park their vehicles outside their residences or in commercial areas where also people park vehicle on roads etc. due to non-availability of parking space in their residences or commercial places, responsibility shall be fixed upon the residents and persons running commercial activities without providing parking space, by imposing heavy penalty etc.

(g) Immediate requisite provisions be made prohibiting registration of Auto vehicles unless purchaser has sufficient parking place at their private places. In other words, Government should make provision restricting purchase of new vehicles and registration thereof unless person(s) purchasing vehicle have parking place at their residences.

(h) State Government shall also take immediate steps for providing dedicated corridors for movement of vehicles of essential service as an honour of fundamental right to patients and injured people to get quickest medical services and travel on road without any obstructions and also to ensure other essential services to be carried out without obstruction. In other words, a dedicated corridor shall be prepared for movement of ambulances carrying patients which is also a part of Trauma Care Facility and even otherwise, quick movement of ambulances for timely availability of medical services is fundamental right of patients and healthy people traveling on road are also under an obligation not to create any obstruction in life saving vehicles, like ambulances and a clear passage has to be

maintained at any cost.

(xiv) Special Committees at District and Block levels be constituted on permanent basis which may have participation of common people and members of society to monitor proper functioning of Medical Care Centres of State and regular availability of requisite instruments, apparatuses, medicines etc. and also effective careful service to poor patients."

The order dated 14.05.2018 also modified Direction No. (xv), to the effect that it should be confined to patients and one attendant. Direction No. (xv) had directed as under: -

"(xv) Free food to patients and their attendants shall also be ensured in all State run Medical Care Centres so that for want of appropriate diet, poor people may not suffer while undergoing treatment."

The order dated 14.05.2018 also permitted the High Court to proceed to decide I.A. No. 4/2018 filed in Public Interest Litigation (PIL) No. 14588/2009. However, we are not informed about the order that was finally passed in the said I.A.

Having regard to the facts and circumstances of the case, we are of the view that the interim order passed by this Court on 14.05.2018 requires to be confirmed and accordingly, to that extent, the said directions given by the High Court in paragraph 146 of the impugned judgment will be treated as set aside/modified.

It will be open to the writ petitioners to file a fresh writ petition, if warranted, stating all the facts and circumstances and placing the relevant data before the High Court for execution/implementation of the decision/directions in the judgment dated

09.03.2018 passed by the High Court, as modified by this Court. If any such writ petition is filed, the same may be considered and examined on merits.

Recording the aforesaid, the appeals are disposed of.

Pending application(s), if any, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
FEBRUARY 25, 2025.