**Specimen of a Writ Petition for Public Interest Litigation**

District......................

In the High Court at…………, Constitutional writ jurisdiction

**Petitioner** versus

**Respondent**

To

Hon'ble Mr. ......................

Chief Justice and His Companion Justices of the said Hon'ble Court

The humble petition of and on behalf of the petitioner above-named

Most Respectfully Sheweth:

1. The petitioner is a citizen of India and is also the President of......................, an unincorporated Association of persons formed on......................by eminent citizens of......................at a general meeting held at............... with the object, inter alia, of protecting the ecology and environment of the country with particular emphasis on the preservation of national heritage buildings and architectures......................as well as for upholding the Constitutional and Legal Rights of the Citizens of India, particularly of the persons belonging to economically-weaker section of the society and living within the municipal area of......................The petitioner craves leave to refer to and rely upon the aims and objects of the said......................at the time of hearing, if necessary.

2. The petitioner is also an Ecologist and having a specialised knowledge in ecology and environment.

3. The instant application is being filed by the petitioner for and on behalf of the......................as well as representing the weaker sections of the community residing within the municipal area of......................seeking a writ or order or direction in the nature of mandamus upon the Respondents Nos. 1 and 2 commanding them to forbear from changing or disturbing the environment and ecological pattern of the land in respect of one large water- body situated in...................... under the jurisdiction of the......................for the ostensible purpose of construction of a cinema building at the instance of Respondent No. 2 to be financed by the Respondent No. 1 or for any other purpose which might cause any such disturbance of ecology and environment.

4. The petitioner submits that such constructions, if effected, would not only cause disaster to the ecology and environment of the municipal area and in particular the south western portion of the town, but it would be in violation of the draft outline of Development Plan of the Greater Mumbai prepared for the......................under the......................and the said plan prohibits inter alia, filling up of any water-body covering an area beyond 200 sq. m. the petitioner craves leave to refer to a copy of the said draft plan, at the time of hearing, if necessary.

5. The land on which such water-body is situated is owned by the Commissioners of......................Municipality for the purpose of converting the same into a green park and a swimming pool attached to it for the health and welfare of the residents and rate payers of the municipal area concerned but at present it is being used for pisciculture and which is being used by leasing out from time to time to different agencies for the purpose of pisciculture in order to accumulate the necessary finance for the ultimate object of laying the park and setting up the swimming pool and funds have been set apart for the same.

6. In course of time, almost the entire area round the said water-body has been built up by raising one school building besides residential complexes and a market place and the water-body in question is the only water-body in the area.

7. The petitioner has come to know that the Commissioners of the Municipality concerned are now devising various strategies to change the land use pattern of the said water-body by filling up the same as also by destroying the surroundings jeopardising the health and sanitation of the residents of the area in gross violation of the Constitutional Rights of the people of the area and the pupils of the educational institution close by as also in violation of the Town and Country (Planning and Development) Act 1979 and the Environment Protection Act 1986.

8. The Government has already taken steps for protection of wet-lands and in this regard has published an approach paper.

9. The State Government has also published a similar policy document for preservation of the wet-lands.

10. That the Respondent No. 1 is a company engaged in manufacturing iron rods having a Rolling Mill at Lilooah in the district of Howrah and it is a stranger to any cinema business but in order to augment its income has surreptitiously come to an understanding with the Respondent No. 2 to start a cinema business by providing the finance. The Respondent No. 2 is just a ghost firm set up by Respondent No. 1 to avoid the rigours of the Companies Act.

11. The wet-land described in the Schedule below serves the cause of environment in various ways which are indicated hereunder:

(a) Each water-body keeps the atmosphere cool by absorbing heat. Water vapours also keep the surrounding area cool. It absorbs carbon dioxide which are regularly discharged into the atmosphere.

(b) Wet-lands absorb dust particles discharged into the atmosphere by various sources and elements.

12. That the setting up of a cinema building so close to the school in the area will be dangerously affecting the education and health of the pupils and it is a co-educational institution.

13. Article 48A of the Constitution of India casts a duty upon the respondents to protect and improve the environment and to safeguard the forest and wild life of the country and they are also in duty bound to prevent any action which is likely to degrade the environment and affect the health and living conditions of the area and to prevent destruction of the aforesaid water-body.

14. The petitioner, therefore, begs to move this application as the President of and its members, and also on behalf the citizens/residents of said municipal area in order to protect their rights as enshrined under Article 21 read with Article 48A of the Constitution inasmuch as the persons likely to be prejudiced and affected by the aforesaid action of the Municipality of…..are so numerous and scattered and moreover the damage that is likely to be caused to them by the aforesaid action of the municipal authority will be slow and gradual before the same became manifest, it would not be possible for residents and tax payers to move this Hon"ble court individually. The petitioner and…..society and the member of……are also duty bound under the provisions of Article 51A(g)of the Constitution to institute action for protection of environment since Article 5 lA(g) states that it will be the duty of every citizen of India to protect and improve the natural environment including various lakes and rivers and wild life to have combination for the living creatures, to initiate action for protection of the aforesaid water-body as the said municipal authority is bent upon destroying the water-body and has initiated urgent measures for the same, threats of destruction of the said water-body having become apparent and real and imminent the petitioner as the President of......................along with some eminent citizens of the Municipal area have already written several letters to the Chairman of the Municipality urging him not to, in any way diminish or destroy the water-body.

15.......................The concern shown by the petitioner as well as other eminent citizens of the area have failed to elicit any positive response from the Municipality and they appeared to be bent upon destroying the water- body by filling up the same in violation of statutory provisions and Government circulars and directions.

16. The petitioner states that the purported decision of the municipal authority if implemented would cause destruction and disturbance of the ecological and environmental equilibrium in the impugned areas by filling up of the aforesaid water-body and the impugned action is not only arbitrary but is also in violation of Article 14 of the Constitution.

17. Being aggrieved by and dissatisfied with the various actions and threats of the municipal authority the petitioner begs to move the instant application under Article 226 of the Constitution of India on the following amongst other.

**GROUNDS**

(I) For the purported decision of the municipal authority to fill up the aforesaid water-body is to cause great injuries to the ecology/ environment of the town and consequently would infringe the right of the residents of the area to a clean environment as impliedly enshrined in Article 21 of the Constitution and would thus be violative of the fundamental rights of the life of the residents of the area as guaranteed in Article 21 of the Constitution.

(II) For that the setting up of the cinema hall close to the school and the residential area and denial of a green park and swimming pool to the residents would amount to creating educational and health problems for the pupils and the residents.

(III) For that......................

18. The petitioner states that the petitioner has not moved any other
application on the self-same cause of action before the Hon'ble Court or any other Court of Law.

19. The petitioner states that it is apparent that the Municipal Authority is actively proceeding towards the filling up the aforesaid water-body and unless restrained by an order of injunction, the respondent Nos. 1 and 2 as agents of the Municipality would fill up the said water-body which will render the instant application infructuous.

20. The cause of action of this instant application arose outside the Ordinary Original Civil Jurisdiction of this Hon'ble Court.

21. The petitioner has no other efficacious and alternative remedy and the remedies prayed for hereunder would give full and final relief to the residents of the area concerned on whose behalf the instant application is being moved.

22. The petitioner has also made demand for justice vide Annexure......................to the petition, but justice has been denied.

23. As indicated hereinabove, the petitioner is moving this application in public good to protect the public interest and not intended to serve any interest of any individual and in case the orders, as prayed for hereunder, are not granted the residents of the area concerned would suffer irreparable loss and injury.

24. That this application is being moved bona fide and in the interest of justice.

In the premises, your petitioner humbly prays Your Lordships for the following orders:

(a) Writ in the nature of mandamus directing the respondent Nos. 1 and 2 not to change the land use pattern of the water-body known as......................situated in......................of the Municipality of;

(b) Writ in the nature of mandamus directing the respondent Nos......................give suitable direction to the respondent Nos. 1 and 2 requiring them to maintain the water-body as mentioned above in its present nature and character.

(c).. An order or direction upon the respondent Nos......................and each of them and their subordinates agents restraining them from according any sanction or permission or to do any act or omission which would enable the respondent Nos. 1 and 2 to disturb/diminish the said water-body.

(d). An order or direction upon the respondent Nos. 1 and 2 directing them to bring into this Hon'ble Court all the records relating to any decision that might have been taken for construction of cinema building so that conscionable justice may be administered by quashing the same;

(d) Rule nisi in terms of prayers (a), {b), (c) and (d) above;

(e) Rule be made absolute;

(f) Interim order of injunction restraining the respondent Nos. 1 and 2 from taking any steps towards destroying and/or diminishing the water-body known as ...................... situated at......................in any manner whatsoever till the disposal of this application;

(g) Ad interim order in terms of prayer (g) above;

(h) And pass such other or further order or orders as to Your Lordships may seem fit and proper.

And your petitioner, as in duty bound, shall ever pray.

**Affidavit**

I, Shri......................son of......................aged about......................years, by religion ...................... by occupation ...................... residing at......................do hereby solemnly affirm and say as follows:

I am the petitioner in the instant application and am well acquainted with the facts and circumstances of the case. I am duly authorised by the society to affirm this affidavit and I am competent to affirm this affidavit on behalf of the society and for self.

That the statements made in paragraphs......................are true my knowledge and those made in paragraphs......................are my humble submissions before this Hon'ble Court.

Prepared in my office.

The deponent is known to me

Advocate......................

Clerk to: Mr.......................

Solemnly affirmed before me on this......................Advocate

......................day of......................2010

Commissioner