**SPECIMEN OF A WRIT PETITION FOR**

**PUBLIC INTEREST LITIGATION**

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

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

Appellate Side

C.O./C.R. No................................ (W) of …………………………………

In the matter of:

An application under Article 226 of the Constitution of India

And

In the matter of:

Articles 14, 21, 48A and 51A (g) of the Constitution of India

And

In the matter of: T.N

…………………………………………………………………….. Municipal corporation Act …

And

In the matter of:

The Environment Protection Act 1986 And

In the matter of:

…………………………………………………………………………………..………………. (Planning and Development) Act ….

And

In the matter of:

Illegal attempt by Respondents (1) & (2) for constructing a Cinema

building by demolishing one large water-body located in the

............................................................................in breach of draft outline/Development Plan for concerned area.

And

In the matter of:

Shri.......................................................................

son of....................................................................

.President of............................................................

.resident at...................... ……………………………………

Petitioner

versus

1. …………………................... a company incorporated under the Companies Act 1956 with its registered office at................... …………………………..

2. Mr. .................................... Managing partner for Cinema, a partnership firm having its office

3. The Commissioner.......Municipality.................... with its office at .....................

4. State of ……………………………………….. or Urban Development .................. having its office at ……..

hrough its Secretary

Respondent

To

Hon'ble Mr……………………………………........ The Chief Justice and His Companion Justices of the said Hon'ble Court

Petitioner above-named respectfully shewoth:

1. The petitioner and Indian citizen and President of..................................an unincorporated Association of persons formed on................................. by important citizens of.................................... in its general meeting held at................inter alias, of protecting the ecology and environment of the country with special reference, preserving national heritage buildings and architectures ................................. as well as for upholding the Constitutional /Legal Rights of Indian Citizens, specially persons of economically weaker section of society and residing within the municipal area of................................... The petitioner begs leave to refer to and rely on the aims and objects of the said ..................................... at the time of hearing, if compulsory.

2. The petitioner being Ecologist with specialized knowledge in ecology and environment.

3. The instant application is being instituted by petitioner for and on behalf of the .............. and representing the weaker sections of society residing within the municipal area of................ seeking writ/order/instruction per mandamus on the Respondents Nos. 1 and 2 ordering them to desist from altering or destroying the environment/ecological balance of land concerning a large water-body located in ............... under the jurisdiction of the .............................. for purpose of building 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 destruction of ecology and environment.

4. The petitioner submits if such constructions, is made would cause destruction to ecology/environment of municipal area and specially the south western part of the town, but it will also against draft outline of Development Plan of the Greater Coimbatore prepared for the...............under the ..................... and the said plan restricts inter alia, filling up of any water-body covering an area beyond 200 sq. m. the petitioner begs leave to refer to a copy of the said draft plan, at the time of hearing.

5. The land containing such water-body is owned by the Commissioners of................ Municipal corporation for converting the same into a green park with swimming pool enclosed to it for health /welfare of residents and rate payers of municipal area related but presently used by rearing office and which is being used by tenanting out to different agencies for rearing office for getting necessary money for ultimate object of laying park and building up the swimming pool for which funds have been laid separately.

6. By passing of time, almost the whole area surrounding the said water-body has been constructing school building besides residential apartments with market place. water-body being the only water-body in the area.

7. The petitioner knowing that the Commissioners of the Municipality concerned are now using various ways to alter the land use pattern of the said water-body by filling up the same as also by demolishing the surroundings violating health/sanitation of the residents of the area in gross breach of Constitutional Rights of the people of the area and the students the educational institution close by as also in breach of the Town and Country (Planning and Development) Act 1979 and the Environment Protection Act 1986.

8. The Government has also moved in protecting wet-lands and has published an approach paper concerning it.

9. The State Government for preserving the wet-lands has published a policy document.

10. That the Respondent No. 1 being a company is engaged in manufacturing iron rods with a Rolling Mill at ………in the district of ……. and is not conversant to cinema trade but to increase its income have agreed to Respondent No. 2 in providing finance for starting cinema. The Respondent No. 2 is a false firm set up by Respondent No. 1 for evading the complexes e Companies Act.

11. The wet-land stated in the Schedule under serves the cause of environment in several ways as stated it:

(a) Each water-body keeps the atmosphere cool by absorbing heat. Water vapors also keep the surrounding area cool. It absorbs carbon dioxide which is regularly discharged into the atmosphere.
(b) Wet-lands absorb dust particles discharged into the atmosphere by various sources/elements.

12. That building a cinema building neighboring to school in vicinity will endanger the education /health of students and it is a co-educational institution.

13. Article 48A of the Constitution of India casts a duty upon the respondents for protecting and improving the environment and safeguarding the forest /wild life of country and they have also duty to prevent any action which is going to degrade the environment and affecting the health /living conditions of the area and to prevent demolition of the aforesaid water-body.

14. The petitioner, hence to initiate the President of ................... with its members, and on behalf the citizens/residents of said municipal area for protecting their rights as enshrined under Article 21 read with Article 48A of the Constitution inasmuch as the persons likely to be prejudiced /affected by aforesaid action of the Municipality of..................... are so many and scattered and moreover the damage that is going to be caused to them by the aforesaid action of the municipal authority will be slow and gradual before the same became great, tax payers /resident can not move this Hon’ble court individually. The petitioner and........... society under the member of............ bear a duty under enactments of Article 51A(g) of the Constitution for filling action for protecting of environment. 5lA(g) states that it will be the duty of every citizen of India to improve and protect the natural environment including several lakes and rivers and wild life for to combined for living creatures, and taking action for protecting of the aforesaid water-body as the said municipal authority is bent upon demolishing the water-body and has started urgent steps for same, threats of destruction of the said water-body having become real/apparent and nearby the petitioner being President of............... with some important citizens of Municipal area have also corresponded several times to Chairman of Municipality asking him not to, diminish/destroy the water-body.

15. The concern shown by petitioner and other eminent citizens of the area have failed to elicit any positive response from the Municipality who are bent upon destroying the water-body by filling up the same in breach of mandatory enactments and Government circulars /instruction.

16. The petitioner fears that purported decision of municipal authority if enforced would cause demolition and destruction of ecological and environmental balance in the impugned areas by filling up the water-body and the impugned action being arbitrary and in breach of Article 14 of the Constitution.

17. Being aggrieved/dissatisfied with various actions/threats of municipal authority the petitioner initiate application under Article 226 of the Constitution of India on the following grounds.

(I) For the purported decision of the municipal authority for filling the aforesaid water-body is to cause great injuries to the ecology/balance of the town and consequently would infringe the right of the residents of area to a clean environment as given 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 building of cinema hall near to school and residential area and refusing a green park/swimming pool to residents would create educational /health problems to students and residents.
(III) For that.........................

18. The petitioner affirms that, he has not moved any other application on alike cause of action before the Hon'ble Court or any other Court of Law.

19. The petitioner states that it is clear that Municipal Authority is readily filling up the aforesaid water-body and unless restrained by stay order, the respondent Nos. 1 and 2 as agents of the Municipality would fill up the said water-body which will render the instant application nullity.

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

21. The petitioner having no other alternative and effective remedy and the remedies prayed for hereunder would give final and full relief to residents of concerned area in whose behalf this application is being moved.

22. The petitioner having demanded justice vide Annexure..........to the petition, which justice has been denied.

23. As stated hereinabove, this application is moved by petitioner in public entrust for public good and not serving any interest of any individual. If orders, as prayed for hereunder, are not allowed the residents of concerned area will sustained 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 nature of mandamus instructing the respondent Nos. 1 and 2 not to alter land use water-body known as .................. located in ............ of the Municipality of;
(b) Writ in the nature of mandamus directing the respondent Nos. ............... give suitable instructing 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 instructing on the respondent Nos. ............... and every of them with their subordinates agents restraining them from giving 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 instruction on the respondent Nos. 1 and 2 instructing them to produce into this Hon'ble Court all records concerning any decision which might have been taken for building of cinema building so that justice may be done by quashing the same;

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

f) Rule be made complete;

(g) Interim order of stay restraining respondent Nos. 1/2 from taking action towards demolishing and/or diminishing the water-body known as ................. located at .................. in any way whatsoever till this application disposal;

(h) Ad interim order in terms of prayer

(g) above;

(i) And pass such other or order or orders as to Your Lordships may deem proper and fit. 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 on oath and say as under:

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

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

Prepared in my office Advocate

The deponent is known to me Clerk to:

Mr..............................

Advocate

Solemnly affirmed before me on

 this ..................... day of..............…Commissioner