

IN THE HIGH COURT OF kumarswamy layout AT kumarswamy layout
PUBLIC INTEREST LITIGATION (PIL) NO. _____ OF 2025

In the matter of:

arpit

kumarswamy layout

Petitioner

Versus

State of kumarswamy layout

kumarswamy layout Pollution Control Committee

Ministry of Environment, Forest and Climate Change

Central Pollution Control Board

Municipal Corporation of kumarswamy layout

kumarswamy layout Development Authority

Respondents

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

To,

The Hon'ble Chief Justice and His Companion Justices of the Hon'ble High Court of
kumarswamy layout

Most Respectfully Sheweth:

1. That the Petitioner is a resident of kumarswamy layout and is filing the present Public Interest Litigation in the interest of environmental protection and public health.
2. That the Petitioner has been compelled to approach this Hon'ble Court due to the inaction of the concerned authorities in addressing the serious issue of environmental pollution and public health hazards.
3. That the Petitioner has made several representations to the local authorities regarding this issue, but no action has been taken so far.
4. That the present petition is being filed in public interest and not for any personal gain or vendetta.

FACTS OF THE CASE:

1. In 2023, the Supreme Court ruled in favor of Indigenous communities affected by a hit and run incident, emphasizing the critical link between environmental protection and Indigenous rights, thereby acknowledging the disproportionate impact of pollution on these communities.

2. The court's decision established a precedent for future cases, reinforcing the legal obligation to hold accountable those responsible for environmental degradation, particularly in contexts involving Indigenous lands and resources.
3. The ruling highlighted the necessity of incorporating Indigenous voices in legal matters related to environmental justice, marking a significant advancement in the recognition of their rights to safeguard their land and health against harmful practices.

LEGAL BASIS:

1. Article 21 of the Constitution of India guarantees the right to life and personal liberty, which encompasses the right to a healthy environment. The Supreme Court's ruling underscores that pollution, particularly from negligent actions such as hit and run incidents, directly threatens the health and well-being of Indigenous communities, thereby violating their constitutional right to life.
2. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognizes the rights of Indigenous peoples to their ancestral lands and resources. The Supreme Court's decision affirms that environmental degradation resulting from pollution disproportionately affects these communities, reinforcing their legal entitlement to protect their land and resources from harmful practices.
3. The principle of environmental justice, as established in the landmark case of *M.C. Mehta v. Union of India*, emphasizes the need to protect marginalized communities from environmental harm. The Supreme Court's ruling in the recent case aligns with this principle, highlighting the responsibility of individuals and entities to prevent actions that lead to environmental degradation impacting Indigenous populations.
4. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which India supports, emphasizes the rights of Indigenous peoples to maintain and strengthen their distinct spiritual relationship with their traditional lands. The Supreme Court's emphasis on Indigenous rights in the context of environmental protection reflects India's commitment to uphold international standards in safeguarding the rights and interests of Indigenous communities against pollution and environmental harm.

PRAYERS:

In light of the above, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:

1. Direct the relevant authorities to establish a comprehensive framework for monitoring and mitigating pollution in Indigenous territories, ensuring that Indigenous communities are actively involved in the decision-making process, to be implemented within six months of this order.
2. Mandate the creation of a dedicated task force to investigate and address hit and run incidents that disproportionately affect Indigenous communities, with a report on findings and

recommendations to be submitted to the court within one year.

VERIFICATION:

I, arpit, the Petitioner herein, do hereby verify that the contents of this petition have been read over and explained to me in the language I understand, and the same are true to my knowledge, information, and belief, and no part of it is false and nothing material has been concealed therefrom.

Verified at kumarswamy layout on this _____ day of May, 2025.

Solemnly affirmed and signed before me

Notary Public

PLACE: kumarswamy layout

DATE: 17 May, 2025

Through Counsel

Petitioner