

IN THE HIGH COURT OF National Capital Territory AT National Capital Territory
PUBLIC INTEREST LITIGATION (PIL) NO. _____ OF 2025

In the matter of:

Dr. Palak Sharma

Delhi

Petitioner

Versus

State of National Capital Territory

National Capital Territory Pollution Control Committee

Ministry of Environment, Forest and Climate Change

Central Pollution Control Board

Municipal Corporation of Delhi

Delhi 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 National Capital Territory

Most Respectfully Sheweth:

1. That the Petitioner is a resident of National Capital Territory 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. The Hyderabad Metro Rail Limited (HMRL) commenced construction of the Metro Rail Extension Project on January 15, 2023, without conducting the mandatory Environmental Impact Assessment (EIA) and public consultations as required under the Environmental Protection Act, 1986.

2. The project plans to fell over 500 heritage trees, directly contravening the Telangana Heritage Trees Protection Act, 2020, which aims to preserve the ecological and cultural significance of these trees.
3. Despite multiple Right to Information (RTI) applications submitted by citizens' groups since March 2023, HMRL has failed to provide essential documents regarding environmental clearances, tree transplantation strategies, and groundwater impact assessments, raising serious concerns about the project's compliance with environmental regulations.

LEGAL BASIS:

1. Article 21 of the Constitution of India - The right to a clean and healthy environment is encompassed within the right to life under Article 21. The systematic violation of environmental norms in the Metro Rail Extension Project, including the failure to conduct a proper Environmental Impact Assessment (EIA), directly threatens the health and well-being of the citizens of Hyderabad, thereby infringing upon their constitutional right to life.
2. Environmental Protection Act, 1986 - Section 3 of the Environmental Protection Act mandates the Central Government to take measures to protect and improve the environment. The failure of Hyderabad Metro Rail Limited (HMRL) to conduct an EIA and public consultations as required under the Act constitutes a violation of statutory obligations, undermining the legal framework established for environmental protection in India.
3. Telangana Heritage Trees Protection Act, 2020 - The proposed felling of over 500 heritage trees without adherence to the provisions of this Act not only contravenes state law but also threatens the ecological and cultural heritage of Hyderabad. The Act provides specific protections for heritage trees, and any construction activity that disregards these protections is unlawful and warrants judicial intervention.
4. Right to Information Act, 2005 - The refusal of HMRL to provide complete information regarding environmental clearances and compliance documents, despite multiple RTI applications, violates the principles of transparency and accountability enshrined in the Right to Information Act. This lack of transparency obstructs public participation in environmental governance, which is essential for safeguarding the ecological balance of the city.

PRAYERS:

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

1. Direct the Hyderabad Metro Rail Limited (HMRL) to immediately halt all construction activities related to the Metro Rail Extension Project until a comprehensive Environmental Impact Assessment (EIA) is conducted, public consultations are held, and all necessary environmental clearances are obtained, with a report to be submitted to this Hon'ble Court within 30 days.

2. Order the relevant authorities to provide complete and transparent information regarding the environmental compliance documents, tree transplantation plans, and groundwater impact assessment reports related to the Metro Rail Extension Project, to be submitted to this Hon'ble Court within 15 days, ensuring adherence to the Telangana Heritage Trees Protection Act, 2020.

VERIFICATION:

I, Dr. Palak Sharma, 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 National Capital Territory on this _____ day of May, 2025.

Solemnly affirmed and signed before me

Notary Public

PLACE: National Capital Territory

DATE: 17 May, 2025

Through Counsel

Petitioner