

Will Infringe Vehicle Owners' Choice: Karnataka High Court Dismisses PIL Seeking To Implement "Moving Gardens"

2022 LiveLaw (Kar) 484

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
PRASANNA B. VARALE; CJ., ASHOK S. KINAGI; J.
WRIT PETITION NO.13219 OF 2022; 22 November, 2022
K. SURESH versus UNION OF INDIA**

Petitioner by B S Umesh, Advocate

Respondents by B. Pramod, CGC for R1; Prathima Honnapura, AGA for R2

ORDER

The petitioner has filed this petition as a Public Interest Litigation. The learned counsel for the petitioner, by inviting our attention to certain photographs and news items which are placed on record, submits that for a long period, the petitioner has been utilizing his vehicle as a 'moving garden'. He submits that the petitioner has converted the roof of his vehicle as a garden and by this 'moving garden', there would be an increase in oxygen which would help in decreasing the air pollution. He further submits that the petitioner has forwarded letters to various authorities, including the persons who are in higher positions. It is the submission of the learned counsel that the respondents be directed to conduct a study into the feasibility of implementing 'moving garden' on all the possible vehicles and if the same feasible, the State Government be directed to implement the said concept which would help in maintenance of ecology and environment.

2. Though the attempt made by the petitioner on his own vehicle is appreciable and the submission of the learned counsel for the petitioner looks very attractive at the first blush, one cannot lose sight of the fact that the way of use of vehicle is the choice of the owners of the vehicles. Issuing directions to the State Government to conduct a study regarding feasibility of implementing 'moving garden' concept and to implement the said concept compulsorily are infringement of choice of the owners of the vehicles. The implementation of such concept by making modification to the vehicles is also not in consonance with the Motor Vehicles Act and Rules.

3. Considering all these aspects and the prayers made in the petition, we are of the opinion that this petition cannot be treated as a Public Interest Litigation. As such, the petition is dismissed.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)