

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
PRESENTATION FORM

Writ Petition No- _____ /2019(PIL)

A.V. AMARNATHAN

Bangalore DISTRICT

AND

State of Karnataka and others

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IN THE HIGH COURT OF KARNATAKA, AT BANGALORE

(ORIGINAL JURISDICTION)

WRIT PETITION No- _____ **/2019(GM- PIL)**

BETWEEN:

A.V. AMARNATHAN,
ADVOCATE,
(party in person)

... PETITIONER

AND:

GOVERNMENT OF KARNATAKA,
And another.

... RESPONDENTS

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BANGALORE

DATE: 12/09/2019

PETITIONER

IN THE HIGH COURT OF KARNATAKA, AT BANGALORE
(ORIGINAL JURISDICTION)

WRIT PETITION No- /2019(GM- PIL)

BETWEEN:

A.V. AMARNATHAN,
ADVOCATE,
(party in person)

... PETITIONER

AND:

GOVERNMENT OF KARNATAKA,
AND ANOTHER.

... RESPONDENTS

SYNOPSIS

| Sl. No. | D A T E | DESCRIPTION |
|----------------|----------------|--|
| 01 | 02/09/2019 | The 2 nd respondent started Bike rally for its “ Cauvery Calling” Project. |
| 02 | 08/09/2019 | The 2 nd respondent held a public meeting at Bangalore wherein the Chief minister of the state attended and directed the Forest department to provide 2 crores saplings to the 2 nd Respondent, who has given a public call saying “Cavery calling”. The second respondent is planting 253 crores trees and collection Rs 42/- per tree from the general public to plant trees on the public land is not correct This collection of money from general public is not correct and the same is |

| | | |
|--|--|---|
| | | illegal. Hence this Public Interest Litigation. |
|--|--|---|

BRIEF FACTS OF THE CASE

. The petitioners submit that second respondent has given a public call saying “Cavery calling” . The advertisement in the media given by the 2nd respondent is that the organization is planning to plant trees, across the Cauvery river from the birth place Talacauvery to Thiruvarur. A stretch of 639.1kms, the 2nd Respondent has started its Bike rally from Talacauvery to Thiruvarur. The petitioner is closely watching the media report both print and electronic. The petitioner submit that the respondent is planning to plant 253 crores plants to save Cauvery River. The report states that the 2nd respondent is collecting Rs. 42/- per tree planting from the public. That means the 2nd Respondent is collecting a whopping sum of Rs 253 X 42 in total of Rs, 10,626/- crores . This collection of money from the public is very disturbing. Hence this Public Interest Litigation.

Bangalore

PETITIONER

Date:- 12/09/2019

(A.V. AMARNATHAN)

IN THE HIGH COURT OF KARNATAKA, AT BANGALORE
(ORIGINAL JURISDICTION)

WRIT PETITION No- _____/2019(GM- PIL)

BETWEEN:

A.V. AMARNATHAN,
ADVOCATE, (party in person)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

... PETITIONER

AND:

01. **STATE OF KARNATAKA,**
VIDHANA SOUDHA,
VIDHANA VEEDHI, BANGALORE - 560001.
(REP. BY IT'S CHIEF SECRETARY)

02. **ISHA FOUNDATION,**
Velliangiri Foothills,
Ishana vihar post
Coimbatore-641114,
India,
(Rep by its Guruji Jaggi Vasudev)

... RESPONDENTS

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 AND
227 OF THE CONSTITUTION OF INDIA**

The Petitioner respectfully submits as follows:-

1. The Petitioner craves the leave of this Hon'ble Court to file this public interest litigation party in person.
2. The second respondent is a private organization headed by Guruji Jaggi Vasudev. The said organization is into various activities including yoga, teaching. The said organization has got several volunteers. Petitioner learnt that many students who either discontinued their studies or stopped studying further, has joined the 2nd Respondent organization. Many volunteers have left their

lucrative job and joined as volunteers of the 2nd Respondent organization.

3. The petitioners submit that second respondent has given a public call saying "Cavery calling" . The advertisement in the media given by the 2nd respondent is that the organization is planning to plant trees across the Cauvery river from the birth place Talacauvery to Thiruvarur. A stretch of 639.1kms, the 2nd Respondent has started its Bike rally from Talacauvery to Thiruvarur. The petitioner is closely watching the media report both print and electronic. The petitioner submit that the respondent is planning to plant 253 crores plants to save Cauvery River. The report states that the 2nd respondent is collecting Rs. 42/- per tree planting from the public. That means the 2nd Respondent is collecting a whopping sum of Rs 253 X 42 in total of Rs, 10,626/- crores . This collection of money from the public is very disturbing. A copy of the online publicity is herewith produced and marked as **Annexure-A**.

4. The petitioner submits that the 2nd Respaondent is a private organization . the said organization claims that they have studied Cauvery River Basin, and has comeout with a project called Cauvery Calling". The 2nd respondent has organized a Bike Rally on 02/09/2019 form Bhagamandala Kodagu District. A function was organized at Bangalore on 08/09/2019. The 2nd respondent is calling the general public to contribute Rs 42 per tree. The 2nd Respondent has plan to plant 253crores trees. The petitioner submit that even Rs 1/- for 253 crores will amount to Rs, 253

crores. The said sum itself is a bigger amount. But the 2nd Respondent collecting Rs 42/- Per plant that means Rs 10,626 crores. The petitioner submits that can such some be allowed to be collected by a private organization to do a work on government public land. The petitioner submits that the state cannot keep quiet. Hence the Public Interest Litigation is filed.

5. The petitioner has not filed any other Writ or Case on the same cause of action. The petitioner has no other alternative efficacies remedy and hence this Writ Petition Under Article 226 and 227 of the Constitution of India.

GROUNDS

6. (a) The petitioner submit that in Karnataka a poor village lady by name Salu Mara Thimmakka had planted many trees from the past several decades, out of her own poor income. She did not collect any money from general public.

(b) The petitioner submit that a person Jadav Payend, an environmentalist has created a forest in Rajasthah where water was not available.
7. The petitioner submit that Sri Sathya Sai Baba had taken up a project to bring drinking water form Andra Pradesh to Chennai, without claiming any money form General Public.
8. The petitioner submit that the Bangalore Advocates association had conducted tree planting function many times without claiming any money. Petitioner further submits that there are many organization

wherein general public participated in planting the trees without collecting money from general public.

9. The petitioner submit that 2nd Respondent claims that it has conducted studies regarding the Cauvery Basin. But the 2nd Respondent ought have submitted the said report to the State. And the state after deliberating the said studies should have given an approval. But no such process is carried out. The petitioner submit that no private organization can be permitted to carryout any work, on the Government land, without there being a proper approval from the state. The 2nd Respondent cannot carryout the said project on the Government land. The state also has to study the project, and look into the pros and cons of the said project to give approval for such huge project.

10. The petitioner submit that the state can not permit a private organization to collect funds for the project carried out on the Government land. Hence the act of the 2nd Respondent is illegal arbitrary, without any sanctions. The respondent are duty bound to protect the interest of the general public.

11. The petitioner may be permitted to urge any other grounds at the time of hearing.

GROUND FOR INTRIAM PRAYER

12. The Petitioner submits that the 2nd Respondent has started collecting funds for its project. The petitioner submit that the 2nd respondent wants to plant 253 crores plant and collect Rs, 42/- per

each plant which amount is being collected form general Public for the implements of the project by the 2nd Respondent on the Government land. Hence the interim order as prayed for is very essential.

PRAYER

WHEREFORE, the petitioner respectfully pray's that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other writ in the same nature directing the respondent to stop collecting Rs, 42/- per tree for 253 crores plant from the General Public.

- (a) Direct the 1st respondent to look into the project of the 2nd Respondent regarding the Cauvery Calling project of the 2nd Respondent, and take appropriate steps.
- (b) Pass such other order as this Hon'ble Court deems fit based on the facts and circumstances of the case, in the interest of equity and justice.

INTERIM PRAYER

Pending disposal of this Writ Petition, the Petitioner prays that this Hon'ble Court may be pleased to direct the respondent not to collect any funds from the Public for the Cauvery calling project, in the interest of equity and justice.

Bangalore

PETITIONER

Date: 11/09/2019

(A.V.AMARNATHAN)

Address for service

A.V.AMARNATHAN

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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ADVOCATE, (party in person)

... **PETITIONER**

AND:

GOVERNMENT OF KARNATAKA,
AND ANOTHER.

... **RESPONDENTS**

A F F I D A V I T

I, Sri A.V. AMARNATHAN, S/o. T. K. Karunakaran, A [REDACTED]

[REDACTED] do hereby solemnly affirm on oath and state as follows: -

1. I submit that I am the Petitioner in the above mentioned case and well conversant with the facts and circumstances of the case.
2. I submit that the averments stated in Para 1 to 12 of the Accompanying petition are true to the best of my knowledge, belief and faith.
3. I submit that the Annexure-A produce herewith is the photocopy.
4. I submit that this is my true name and signature and the contents of this Affidavit is true to the best of my knowledge, belief and faith.

IDENTIFIED BY ME

ADVOCATE

DEPONENT

BANGALORE

(SWORN TO BEFORE ME)

DATE:- 11/09/2019

No of Corrections:-