

**MEMORANDUM OF WRIT PETITION UNDER ARTICLES  
226 AND OF THE CONSTITUTION OF INDIA.**

1. The Petitioners are filing the present writ petition as a Public Interest Litigation, before this Hon'ble Court under Article 226 of the Constitution of India. The Petitioner we are the permanent residents of 8<sup>th</sup> Main, Girinagar 2<sup>nd</sup> phase and are residing the said locality along with their families and are filing the instant Petition seeking, inter alia, for directions from this court against Nava chethana Old age home who are causing nuisance in the locality by dumping bio hazardous waste and resulting health related issues
2. It is submitted that the house no 982 on 8<sup>th</sup> main, Girinagar, Bangalore is running an organization with name " **Nava Chethana Old Age Home And Rehabilitation Centre**". The organization claims to have been set up for taking care of the old aged people . It is found that the centre does not have the required permission and license for running of the old age home.
3. It is submitted that recently petitioners noticed that the centre has been regularly getting dead bodies on regular basis . Few days back there was an incident where at night 11:05 PM, they brought a body and placed it in their cellar over night and it was removed only next day morning around 9:00 AM. Its been very frequently the centre is getting dead bodies from outside and they are kept in cellar or open place and they retain it till next day morning

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without any proper protection and care and when enquired they give the answer that it is the body of a inmate belonged to one of the inmate of the centre.

4. It is further submitted that there is also an issue related to disposal of medical waste of the residents of Nava Chetana Centre. The members in the center suffer from various old age ailments and the medical waste are just dumped out side the compound and without any proper disposal. Some times the waste are kept for days without disposing. Some photographs of the waste dumped and the dead bodies retained are herewith produced as

ANNEXURE A

5. It is submitted that the area is residential area with large number of small kids and the senior citizens. The medical waste and storing of dead bodies is causing lot of health issues to the residents and the stench caused from dumping is very hard to bear.
6. It is submitted that the residents have even lodged complaint to the jurisdiction police station about the nuisance caused by the Nava Chethana Centre. Copy of the Police complaint dated 15.12.2019 and the acknowledgement is herewith produced as
- Annexure B and C
7. As there was inaction by the jurisdictional police to the complaints given, the petitioners thereafter approached the BBMP office and gave a representation to take action as against the said respondent No 5 Nava Chethana centre. The copy of



the representation DT:18.12.2019 is herewith produced as **ANNEXURE-D**.

8. Similarly the petitioners also approached the Karnataka State pollution control board and gave a representation to take action as against the 5<sup>th</sup> respondent as their activities of brining dead bodies, storing dead bodies and medical waste disposal would cause public health safety and was harmful to the environment. The copy of the said representation dt:24.12.2019 is herewith produced as **ANNEXURE-E**.
9. Inspite of follow ups on the complaint and the representation given, the 5<sup>th</sup> respondent is continuing with their activity detrimental to the public safety and health and harm to the neighbors and citizens living in the surrounding residential area. As there is no action or initiation of action as against the 5<sup>th</sup> respondent by the 1st to 4<sup>th</sup> respondent, left with no other alternative the petitioners have approached this hon'ble court seeking suitable directions.
10. Petitioners have filed the above writ petition in public interest.
11. Aggrieved by the inaction of the respondents to the complaint and representations given at Annexure-B, Annexure-D and Annexure-E, with no other alternative available to the petitioners, they have approached this hon'ble court under Article 226 of

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the Constitution of India for appropriate writs of mandamus to the respondents.

12. Petitioners have not filed any other writ or commenced any other litigation on the same cause of action.

**GROUND IN SUPPORT OF MAIN RELIEF.**

13. The respondent No.3 ought to have directed respondent no 5 to stop all activities on the complaint and failed in its duty to uphold public safety and health and stop public nuisance.
14. The 2<sup>nd</sup> respondent ought to have closed the premises when complaint complained about storing and bringing dead bodies in its premises that is harmful to the residents and the public at large. the respondents ought not permit continuation and starting and opening up of such places which cause public nuisance and harm the public health and safety.
15. The respondents are duty bound to safe guard public health and no person or institution can cause disturbance to the peace and tranquility of their living in a residential area and petitioners and the residents have a right to live with liberty in a peaceful and harmless environment and the activities of the 5<sup>th</sup> respondent is not only disturbing but is also a health hazard.

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16. The respondent no2 BBMP ought to have taken cognizance of the activities of the 5<sup>th</sup> respondent and ought to have closed down the institution as it is running illegally in a residential area and the garbage disposal of medical waste of the aged patients is a risk to the surrounding citizens of the neighborhood.
17. The Karnataka pollution control board being a statutory authority being concerned with maintaining standards of pollution of the state, ought to have taken cognizance of the irregular medical waste disposal being carried out by the 5<sup>th</sup> respondent and taken action in law and due to inaction, this hon'ble court to take action in accordance with law.
18. The respondents no 2 and respondents no 4 being statutory bodies being cast a duty to safeguard the citizens and their health, ought to have taken note of the representation given by the petitioners and ought to have taken action and due to the inaction of the said respondents, petitioners are before this hon'ble court seeking appropriate directions.
19. Viewed from any angle, the respondents have not acted in accordance with law to maintain peace, health of the neighbors of the petitioners and similarly situate citizens residing wherein the respondent no 5 activities are detrimental to the public health, peace and safety and said activities being harmful to the public, the petitioners are



before this hon'ble court seeking appropriate writ of mandamus to the authorities to take action.

**GROUND IN SUPPORT OF INTERIM RELIEF**

10. . Pending writ petition the respondent No. 5 is continuing its activity of getting several sick senior patients whose suffering is unbearable and the petitioner hear their sufferings day and night and the entire neighborhood is disturbed by such pain and suffering and respondent No. \_\_\_ is also apart from the inmates who expires, similar dead bodies are bought and kept in the premises till either the deceased kith take the bodies for final rites to be carried out or till the kith mostly who are abroad come back to collect the bodies. Till such time the bodies are kept in the premises harming the public health and detrimental to the public health of the neighbors, hence the writ.

**MAIN PRAYER**

WHEREFORE petitioners pray that this hon'ble court be pleased to issue

- a) a writ of mandamus to the 2<sup>nd</sup> respondent and 4<sup>th</sup> respondent KSPCB to take action as against the 5<sup>th</sup> respondent in effecting closure taking into consideration the complaint of the petitioners at **Annexure-D and Annexure-E**
- b) Issue such other writ or directions as this hon'ble court deems fit

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- c) Direct the respondents to pay costs of the writ petition.

**INTERIM PRAYER**

Pending disposal of the writ the respondent No 5 be restrained not to carry on its activities in the schedule - property

**SCHEDULE PROPERTY**

All that piece and parcel of premises bearing No house no 982 on 8<sup>th</sup> main, Girinagar, Bangalore in the name and style of **Nava Chethana Old Age Home And Rehabilitation Centre**

Bengaluru

Dt: 12.02.2020

Advocate for Petitioners.

**B.S.RAGHU PRASAD.**

**Address for Service.**

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