

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

C.C.C. No. 1336 /2013 (Civil)

BETWEEN:

Environment Support Group & Anr. ...Complainant

AND:

Mr. S.V. Ranganath ...Respondent/Accused

LIST OF DATES

Date	Event
2008	Petitioners filed PIL seeking directions for framing a scheme for the effective administration, management and regulation of activities in and around lakes and tanks with active participation of local elected governments and communities.
11.4.2012	This Hon'ble Court was pleased to issue a set of directions including setting up District Lake Protection Committees and an Apex Committee for the proper maintenance and development of lakes.
11.12.2012	The Petitioners received the certified copy of the order of this Hon'ble Court.
2.5.2013	The Petitioners got issued a legal notice to the Respondent calling upon them to comply with the directions of this Hon'ble Court but there has been no response.
June 2013	Aggrieved by the failure on the part of the Respondent to comply with the order dated 11.4.2012, the Petitioners have filed this petition.

Bangalore

Date: 01/08/2013

Advocate for Complainant

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(Arising out of Judgment passed in W.P. No. 817 of 2008 (GM-PIL))

C.C.C. No. 1336 /2013 (Civil)

BETWEEN:

1. Environment Support Group
 1572, 36th Cross,
 100 Feet Ring Road,
 Banashankari II Stage,
 Bangalore- 560070
 Represented by its Trustee
Bhargavi S.Rao
 Aged about 44 years,
 D/o Sathyanarayana Rao ...Complainant No. 1

2. Mr. Leo F. Saldanha
 S/o S.John Saldanha
 Aged about 45 years,
 Residing at No.1, Pearl Gardens,
 Vajarahalli,
 Kanakapura Road,
 Bangalore – 560062.
 (Party in person) ...Complainant No. 2

AND:

Mr. S. V. Ranganath,
 Chief Secretary,
 Government of Karnataka,
 Vidhana Soudha,
 Bangalore 560001 ...Respondent/Accused

CONTEMPT PETITION UNDER ARTICLE-215 OF CONSTITUTION
OF INDIA r/w SECTIONS 11 AND 12 OF THE CONTEMPT OF
COURTS' ACT:

The Complainant above named most humbly submits as follows: -

1. The addresses of the Complainants for the purpose of service of notice, summons, etc., of this Hon'ble Court is correctly furnished in

the cause title and they may also be notified through their counsel: SIDDAPPA, SUNIL and NITIN, Advocates, K.S. Building, Gandhinagar, Bangalore-560009.

2. The addresses of the Respondents/Accused herein are as given in the cause title for the purpose of issue of summons, notices and warrant etc., from this Hon'ble Court.
3. Aggrieved by the failure of the Respondent to comply with the order dated 11.4.2012 of this Hon'ble Court, a certified copy of which is produced as **Annexure-A**, the Petitioners have preferred this contempt petition.

FACTS OF THE CASE:

4. The Complainants had filed a Public Interest Litigation seeking directions for framing a scheme for the effective administration, management and regulation of activities in and around lakes and tanks with active participation of local elected governments and communities, in consonance with the principles of inter-generational equity and public trust doctrine.
5. On 11.4.2012, the Hon'ble High Court of Karnataka was pleased to direct the Respondents as follows:

7. For the Bangalore Metropolitan Area, the Commissioner, Bangalore Development Authority, the Chief Executive Officer, Lake Development Authority & Deputy Conservator of Forests shall be the Committee for proper maintenance and development of lakes in Bangalore Metropolitan Area.

10. There shall be an Apex Committee consisting of Principal Secretary, Department of Revenue, Chief Executive Officer, Lake Development Authority and Member Secretary of State Legal Services Authority who shall oversee and supervise the maintenance of lakes by above stated committees. The above

state committees shall send quarterly report about the maintenance and development of lakes to the Apex Committee, which shall supervise the development and maintenance of lakes. The Apex Committee can also entertain complaints and give proper directions to concerned committees for proper maintenance and development of lakes.

“11. The first respondent is directed to comply the above said directions by passing necessary order in accordance with law for ensuring proper preservation, maintenance and development of lakes.”

6. Despite a period of more than a year having lapsed since the aforesaid directions were issued, neither the District Lake Protection Committees nor the Apex Committee with appellate powers has been constituted as required per the order.
7. It is submitted that on 2.5.2013, the Petitioners got issued a legal notice to the Respondent calling upon them to comply with the aforesaid directions of this Hon'ble Court, failing which they would be constrained to initiate contempt proceedings. However, there has been no reply to the notice till date. Copy of the legal notice, postal receipt and acknowledgement are herewith produced as **Annexures B, C & D.**
8. Hence this petition for contempt on the following amongst other grounds:

GROUND

9. The Respondent State has failed to comply with the directions of this Hon'ble Court, and has specifically failed to comply with the direction for the establishment of District Lake Protection Committees and Apex Committee with appellate powers at the State level.

10. It is submitted that in the absence of the said Lake Protection Committees and Apex Committee, aggrieved persons are constrained to approach this Hon'ble Court for suitable directions to protect lakes and their *Raja Kaluves*. In a similar matter in WP 13111/2012, this Hon'ble Court was pleased to dispose of the case in terms of the aforesaid order in WP No. 817/2008. Copy of order in WP No. 13111/2012, dated 9.4.2013, is herewith produced as **Annexure-E**. But given the failure of the State Government in constituting the Committees as directed by the Hon'ble High Court of Karnataka in its orders passed in WP No. 817/2008, this Hon'ble Court's considered directions in WP 817/2013 are not being implemented.
11. The non constitution of the District Lake Protection and Apex Committees has also resulted in rendering nugatory the provision that the committees shall send quarterly reports about the maintenance and developments of lakes in all districts of the State of Karnataka to the Apex Committee, which in turn is required to supervise the management and maintenance of lakes and their *Raja Kaluves* in accordance with the guidelines developed by a Committee constituted by this Hon'ble Court under the Chairmanship of Justice Mr. N. K. Patil. Further, the Apex Committee is also empowered to give directions to concerned district committees for proper maintenance and development of lakes and their *Raja Kaluves* and also initiate necessary corrective action where appropriate. Given the failure of the Respondents/Accused in constituting these committees as ordered by this Hon'ble Court, the very purpose of this Hon'ble Court issuing far-reaching and progressive directions in WP No. 817/2008 are being rendered infructuous and amounts to wilful disobedience of this Hon'ble Courts orders.

12. All these actions of the Government in not implementing the direction of this Hon'ble Court, besides amounting to a willful disobedience of orders passed by this Hon'ble Court, also amounts to the commission of an offence.

LIMITATION

The Petitioners state that petition is in time in so far as the act of non-constituting the Committees amounts to a continuous cause of action. The Petitioners, having called upon the Respondents on 02.04.2013 to constitute the Committees as directed by this Hon'ble Court, and the latter having failed to do so, is an act of contempt. The petition is filed within 1 year thereof of contemptuous actions and is within time. The Petitioner also states that the directions of this Hon'ble Court in WP No. 817/2008, though dated 11/04/2012, was released only on 11/12/2012.

PRAYER

WHEREFORE, the Complainant hereinabove most humbly prays that this Hon'ble Court may be pleased to prosecute the Respondent/Accused for having committed acts punishable under the Contempt of Courts Act and ensure the implementation of the directions per the order of this Hon'ble Court dated: 11.04.2012 passed in W.P.No.817/2008 (GM-RES), as per Annexure-A, in the interest of justice and equity.

Bangalore
Date: 01/08/2013

Advocate for Complainants

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

C.C.C. No. 1336 /2013 (Civil)

BETWEEN:

Environment Support Group & Anr. ...Complainant

AND:

Mr. S.V. Ranganath ...Respondent/Accused

VERIFYING AFFIDAVIT

I, Bhargavi S. Rao, aged about 44 years, D/o Sathyanarayana Rao and Trustee of Environment Support Group 1572, 36th Cross, 100 Feet Ring Road, Banashankari II Stage, Bangalore- 560070 do solemnly affirm and state on oath as follows:

1. I am the 1st Complainant in the above case and I know the facts of the case. I am competent to swear to this affidavit and I am swearing to it on behalf of the other Complainant also.
2. I state that the contents of Paras 1 to 12 of the contempt petition are true and correct to the best of my knowledge, information and belief.
3. I state that Annexure A is the certified copy of the order, Annexures B to D are originals and Annexure E is a true copy of the original.

VERIFICATION

I state that this is my name and signature and what is stated in the above paragraphs are true and correct to the best of my knowledge, information and belief.

Identified by me

Advocate

Deponent

Place: Bangalore

Dated:

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

C.C.C. No. 1336 /2013 (Civil)

BETWEEN:

Environment Support Group & Anr. ...Complainant

AND:

Mr. S.V. Ranganath ...Respondent/Accused

VERIFYING AFFIDAVIT

I, Leo F. Saldanha, aged about 45 years, S/o S. John Saldanha and Trustee of Environment Support Group, Residing at No.1, Pearl Gardens, Vajarahalli, Kanakapura Road, Bangalore –560062, do solemnly affirm and state on oath as follows:

4. I am the 2nd Complainant in the above case and I know the facts of the case. I am competent to swear to this affidavit and I am swearing to it on my behalf.
5. I state that the contents of Paras 1 to 12 of the contempt petition are true and correct to the best of my knowledge, information and belief.
6. I state that Annexure A is the certified copy of the order, Annexures B to D are originals and Annexure E is a true copy of the original.

VERIFICATION

I state that this is my name and signature and what is stated in the above paragraphs are true and correct to the best of my knowledge, information and belief.

Identified by me

Advocate

Deponent

Place: Bangalore

Dated:

IN THE HIGH COURT OF KARNATAKA AT BANGALORE**C.C.C. No. 1336 /2013 (Civil)****BETWEEN:**

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3.	Annexure-A: Certified copy of the Order in W.P.No.817/2008, dated 11 th day of April 2012.	
4.	Annexure-B: Copy of the Original Legal Notice dated 2 nd April. 2013.	
5.	Annexure-C: Copy of the original postal receipt.	
6.	Annexure-D: Copy of the Acknowledgment (Original).	
7.	Annexure-E: Copy of order in WP No. 13111/2012, dated 9.4.2013,	
8.	Vakalath	

Bangalore

Date: 01/08/2013

Advocate for Complainant