

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 22<sup>ND</sup> DAY OF NOVEMBER, 2022**

**PRESENT**

**THE HON'BLE MR.PRASANNA B.VARALE, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE ASHOK S.KINAGI**

**WRIT PETITION NO.13219 OF 2022 (GM-FOR-PIL)**

**BETWEEN:**

SRI K. SURESH

... PETITIONER

(BY SRI B S UMESH, ADVOCATE)

**AND:**

1. UNION OF INDIA  
MINISTRY OF ENVIRONMENT  
FOREST AND CLIMATE CHANGE  
INDIRA PARYAVARAN BHAWAN  
JORBAGH ROAD,  
NEW DELHI - 110 003.  
REPRESENTED BY ITS CHIEF SECRETARY.

2. STATE OF KARNATAKA  
DEPARTMENT OF FOREST,  
ECOLOGY AND ENVIRONMENT  
VIDHANA SOUDHA  
BENGALURU - 560 001  
REPRESENTED BY ITS CHIEF SECRETARY  
... RESPONDENTS

(BY SRI B.PRAMOD, CGC FOR R1  
SMT. PRATHIMA HONNAPURA, ACA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE DIRECTIONS TO THE RESPONDENTS TO CONDUCT A STUDY INTO THE FEASIBILITY OF IMPLEMENTING MOVING GARDEN ON ALL THE POSSIBLE VEHICLES AND SUBMIT A REPORT TO THIS HONORABLE COURT & ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THROUGH VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

**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.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

VM