
(2004) 02 RAJ CK 0038

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4653 of 2003

Justice R.S. Verma

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 23-02-2004

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : AIR 2004 Raj 175 : (2004) 2 RLW 1314 : (2004) 2 WLC 68

Hon'ble Judges : Anil Dev Singh, C.J.;K.S. Rathore, J

Bench : Division Bench

Advocate : Shyam Arya, G.A., R.A. Katta and R.S. Bhati, for the Respondent

Judgement

Anil Dev Singh, C.J.—This public interest litigation is concerned with maintenance and restoration of green belts in certain housing colonies of Jaipur. We have heard learned counsel for the respondents. It cannot be disputed that the parks and green belts in the cities are the green lungs and they need to be maintained. The health and welfare of the people must be kept in view by the State and civic authorities. In *Samatha v. State of Andhra Pradesh and Ors.* (1), it has been held by the Supreme Court that right to life, enshrined in Article 21 of the Constitution means something more than mere animal existence.

2. Article 21 not only protects the life and liberty of the individual, but it also ensures a life which is worth living. It hardly needs to be emphasised that without good health, life is not worth living. In order to maintain physical and mental health of the citizens, protection, preservation and maintenance of environment and ecology is necessary. Parks and green belts create a healthy environment and promote well being of the citizens.

3. In *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P. and Ors.* (2), it was held that every citizen has a fundamental right to enjoy quality of life as contemplated by Article 21 of the Constitution and when that right is endangered, recourse can be had to the constitutional remedy of a writ. In

Virendra Gaur and Ors. v. State of Haryana (3), the Supreme Court held that the word "environment" is of broad spectrum which brings within its ambit "hygienic atmosphere and ecological balance"". In this regard the Supreme Court has held as follows:-

"Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed."

4. In Subhash Kumar v. State of Bihar (4), the Supreme Court held that the right to life includes right to enjoyment of pollution free water and air. Parks and green belts help in purification of air & they prevent pollution. They are also instrumental in maintaining ecological balance. Therefore, parks and green areas are necessary for the enjoyment of life. In the circumstances, it is necessary that green areas and the parks in all the towns and cities of Rajasthan are maintained to protect environment and ecology, but it is seen they are allowed to be encroached upon due to commercial and other pressures. They are converted from green areas to commercial areas and residential areas. Concrete jungles are swallowing green areas. That trend needs to be halted to protect and preserve ecology.

5. Having regard to the health of the citizens and in the interest of the ecology and environment, we direct that the parks and green are as in the cities and towns of Rajasthan shall not be allowed to be encroached upon nor shall they be allowed to be converted for purposes other than park and green areas.

6. With the aforesaid observations and directions, the writ petition is disposed of.