

It is relevant to state that the Indian National Congress a Political Party, working in a state of Karnataka, knowing as Karnataka Pradesh Congress Committee began its 10 days Padayatra (March), demanding implementation of the Mekedatu project across the Cauvery river, despite the Government's COVID-19 restrictions. Led by Congress state president Sri.

D.K.Shivakumar and leader of Opposition in the Karnataka State Assembly Sri. Siddaramaiah, the Padayatra with the theme "NAMMA NEERU NAMMA HAKKU" began at the sangama, the confluence of Cauvery and Arkavathi rivers in Kanakapura taluk of Ramanagara District with participation from thousands of workers, leaders and cultural groups, the principal opposition party in the Karnataka state is going ahead with the march, as planned, unfazed by the Government's warning of action in case of violation of COVID-19 restrictions and rules. That due to COVID-19, India has been affected and there are the international media reports and World Health Organisation reports that there is an increased risk in the society of spread of the Omicron virus.

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Karnataka Chief Minister holds a meeting with experts on 4<sup>th</sup> January, in the background of rising Covid-19 cases in the state. Expressing worry over the surge in cases of Omicron, the state's Technical Advisory Committee (TAC) in its 144<sup>th</sup> meeting has recommended imposition of stricter measures to the state government.

"From the previous experience of two waves in Karnataka, the case surge in Bangalore / Karnataka was preceded by the surge in Mumbai/Maharashtra. Hence, after detailed deliberations TAC makes the recommendations as an early measure of mitigation and for imposing curbs in public activities," the TAC report read.

It has suggested the civic agency Bruhat Bengaluru Mahanagara Palike (BBMP) and Deputy Commissioners to resort to strict enforcement of Covid appropriate behaviour (CAB) and standard operating procedures (SoP) for public gatherings to fight the third wave of COVID-19, till January 19<sup>th</sup>, it has also imposed night curfew, and has prohibited all rallies, dharnas, protests, among others.

Restrictions are being imposed on various activities in Karnataka as COVID-19 cases in Bengaluru city and state see a sharp uptick. Weekend curfews will be put in place yet again across the state from 5<sup>th</sup> January 2022 to till 5 am on 19<sup>th</sup> January 2022. The Restrictions have also been imposed on the number of people attending gatherings

These measures come on the day that there was a big spike in COVID-19 cases in the capital city, as well as an increase in the test positivity rate in the state. This was the seventh consecutive day that cases had spiked, and on Tuesday, January 9<sup>th</sup>, Karnataka reported more infections and deaths. Unfortunately the governments have not taken any action on a large number of people gathering in violation of rules and orders.

Observing the of venue of Padayatra( march) there is a likelihood that large number of participants will use various modes of transport namely bus, train and through air to logistically launch into some of the residential accommodation already planned and scheduled by the Respondent No.6. The 1st Respondent has issued circular RD.158 TNR 2020 dated 04.01.2022 at point No.12 of the circular states that "All Rallies, dharnas, protests are prohibited"

The Petitioner submits that the said Standard Operating Procedure (SOP) was in place to ensure that the public followed the COVID-19 guidelines. However without any regard for these guidelines, people in the said Padayatra (march) violated the guidelines without wearing masks in public places.

Unfortunately the governments have not taken any action on a large number of people gathering in violation of rules and orders. Aggrieved by the acts of the Respondents the Petitioner prefers this Public Interest Litigation.

Bangalore

Advocate for Petitioner

Dated:-

(P.R.NARENDRA)

**IN THE HON'BLE HIGH COURT OF KARNATAKA AT  
BANGALORE**

**{Rule 14(2) of 'The High Court of Karnataka (Practice and Procedure for Public Interest Litigation Rules, 2018)}**

**WRIT PETITION (PIL) NO.                      /2022 (PIL-GM-RES)**

**BETWEEN:**

**Sri. NAGENDRA PRASAD A.V  
S/o Sri. Venkatachalam A.  
Aged about 54 years,  
No.17, B.K Layout, Thindlu  
Bangalore- 560 097  
Adhar No. 529723434021  
PAN No. ADCPA7021Q  
Mobile No. 9739367189**

**....PETITIONER**

**AND:**

**1. STATE OF KARNATAKA  
Room No.320, III Floor,  
Vidhana Soudha,  
Dr.B.R Ambedkar Veedhi  
Bangalore-560001  
Represented by its  
Chief Secretary**

**2. STATE OF KARNATAKA  
Department of Revenue,  
Room No. 505, 5th Floor,  
Gate - 3,  
M S Building, Dr.B.R. Ambedkar  
Veedhi, Bangalore - 560001  
Represented by Principal  
Secretary to Govt. of Karnataka**

**3. STATE OF KARNATAKA  
Department of Health,  
Room No.222, II Floor,**

**Vidhana Soudha,  
Bangalore-560001  
Represented by Principal  
Secretary for Govt. of Karnataka**

**4. DEPUTY COMMISSIONER,  
Ramanagara District,  
District Office Complex,  
Vijayanagar, Ramanagara Town  
Ramanagara - 562159**

**5. BRUHAT BENGALURU MAHANAGARA PALIKE  
Having office at N.R. Square  
Hudson Circle,  
Bangalore- 560 002.  
Represented by its Commissioner**

**6. KARNATAKA PRADESH  
CONGRESS COMMITTEE  
Congress Bhavan  
No.14, Queens Road,  
Vasanthanagar,  
Bangalore- 560 001.  
Represented by its President  
Sri.D.K. SHIVAKUMAR**

**...RESPONDENTS**

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

**1. Particulars of the cause/order against which the petition  
is made:-**

The 6<sup>th</sup> Respondent is a state unit of the Indian National Congress  
a Political Party, working in a state of Karnataka, the 6<sup>th</sup>

Respondent on Sunday began its 10 days Padayatra (March), demanding implementation of the Mekedatu project across the Cauvery river, despite the Government's COVID-19 restrictions. Led by Congress state president Sri. D.K.Shivakumar and leader of Opposition in the Karnataka State Assembly Sri. Siddaramaiah, the Padayatra with the theme "NAMMA NEERU NAMMA HAKKU" began at the sangama, the confluence of Cauvery and Arkavathi rivers in Kanakapura taluk of Ramanagara District with participation from thousands of workers, leaders and cultural groups, the principal opposition party in the Karnataka state is going ahead with the march, as planned, unfazed by the Governments warning of action in case of violation of COVID-19 restrictions and rules. That due to COVID-19, India has been affected and there are the international media reports and World Health Organisation reports that there is an increased risk in the society of spread of the Omicron virus.

## **2. Particulars of the Petitioner(s):-**

The Petitioner herein is a public-spirited citizen of India and working as manager in RMV residents' welfare association. It is needless to mention that the third wave thus involving himself in causes for common citizenry for the common good of the society

and polity at large. Petitioner further states that he is not involved in any other civil, revenue, criminal litigation in any capacity before any court and tribunal.

**3. Declaration and undertaking of the Petitioner(s):**

(a) The Petitioner declares that he has preferred this Public Interest Litigation purely in public interest and that he has no personal interest in the outcome of the present Petition except that its proper, complete adjudication and consequent disposal serves the larger public good. The Petitioner being the dutiful citizen feels that the scheduled event will hamper the security, safety and well-being of not only the persons who are participating in the event but also of their immediate family along with the friends and children below the age of 18. This event can be a super spreader which the local authorities have responsibility to stop from becoming.

(b) That the entire litigation costs, including the advocate's fee and other charges are being borne by the petitioner.

(c) That a thorough research has been conducted in the matter raised through the petition.

(d) that to the best of the petitioner's knowledge and research, the issue raised was not dealt with or decided and, that a similar or, identical petition was not filed earlier by him/it.



(e) That the petitioner has understood that in the course of hearing of this petition the court may require any security deposit to be furnished towards costs or, any other charges and the petitioner shall have to comply with such requirements.

#### **4. Facts in brief, constituting the cause:**

The Petitioner has come across that the 6<sup>th</sup> Respondent on conducting 10 days Padayatra (March), demanding implementation of the Mekedatu project across the Cauvery river, despite the Government's COVID-19 restrictions. Before its commencement the Respondent No 6 is widely circulated the same among the public through print, social media and Electronic media.

On Sunday ie. 09.01.2022 the Respondent Np.6 began its 10 days Padayatra (March), demanding implementation of the Mekedatu project across the Cauvery river, despite the Government's COVID-19 restrictions. Led by Congress state president Sri. D.K.Shivakumar and leader of Opposition in the Karnataka State Assembly Sri. Siddaramaiah, the Padayatra with the theme "NAMMA NEERU NAMMA HAKKU" began at the sangama, the confluence of Cauvery and Arkavathi rivers in Kanakapura taluk of Ramanagara District with participation from thousands of workers,

leaders and cultural groups, the principal opposition party in the Karnataka state is going ahead with the march, as planned, unfazed by the Government's warning of action in case of violation of COVID-19 restrictions and rules.

That due to COVID-19, India has been affected and there are the international media reports and World Health Organisation reports that there is an increased risk in the society of spread of the Omicron virus.

That due to COVID-19, India has been affected and it is needless to state that to regulate the same even the Hon'ble Apex Courts and various High Courts including our High Court issued a circular and decided to hold the Court proceedings virtually.

Karnataka Chief Minister holds a meeting with experts on 4<sup>th</sup> January, in the background of rising Covid-19 cases in the state. Expressing worry over the surge in cases of Omicron, the state's Technical Advisory Committee (TAC) in its 144<sup>th</sup> meeting has recommended imposition of stricter measures to the state government.

"From the previous experience of two waves in Karnataka, the case surge in Bangalore / Karnataka was preceded by the surge in

Mumbai/Maharashtra. Hence, after detailed deliberations TAC makes the recommendations as an early measure of mitigation and for imposing curbs in public activities,” the TAC report read.

It has suggested the civic agency Bruhat Bengaluru Mahanagara Palike (BBMP) and Deputy Commissioners to resort to strict enforcement of Covid appropriate behaviour (CAB) and standard operating procedures (SoP) for public gatherings to fight the third wave of COVID-19, till January 19<sup>th</sup> , it has also imposed night curfew, and has prohibited all rallies, dharnas, protests, among others.

Restrictions are being imposed on various activities in Karnataka as COVID-19 cases in Bengaluru city and state see a sharp uptick. Weekend curfews will be put in place yet again across the state from 5<sup>th</sup> January 2022 to till 5 am on 19<sup>th</sup> January 2022.

The Restrictions have also been imposed on the number of people attending gatherings

These measures come on the day that there was a big spike in COVID-19 cases in the capital city, as well as an increase in the test positivity rate in the state. This was the seventh consecutive day that cases had spiked, and on Tuesday, January 9<sup>th</sup>, Karnataka

reported 12000 infections and several deaths. Active cases stood at 49,602, while this was data given as per the health department's bulletin on January 9<sup>th</sup>.

Unfortunately the governments have not taken any action on a large number of people gathering in violation of rules and orders.

So keeping this in mind the Petitioner herein has represented through his email that the concerned authorities should immediately call for report from the organizing committee and to curb the same. The Petitioner has specifically asked the authorities concerned as well as the Respondent No.6 to review the decision and communicate a speaking decision in the larger interest. Copies of the representations submitted by the Petitioner to the Respondent Nos. 1 to 6 by way of an email.

observing the of venue of Padayatra( march) there is a likelihood that large number of participants will use various modes of transport namely bus, train and through air to logistically launch into some of the residential accommodation already planned and scheduled by the Respondent No.6. The 1st Respondent has issued circular RD.158 TNR 2020 dated 04.01.2022 at point No.14 of the

circular states that **"All Rallies, dharnas, protests are prohibited"**

The Petitioner submits that the said Standard Operating Procedure (SOP) was in place to ensure that the public followed the COVID-19 guidelines. However without any regard for these guidelines, people in the said Padayatra (march) violated the guidelines without wearing masks in public places.

#### **5. Source of Information:**

The Respondent No.6 is organizing the said conference has released in print, electronic and social media and more than 100000 people will be attending the mega event proposed to be held from various places of Ramanagara district and Bangalore from 9<sup>th</sup> January 2022 to 19<sup>th</sup> January 2022. Information is verified as personal knowledge. The event held on 9<sup>th</sup> January was also widely published in all leading news papers.

#### **6. Nature and extent of injury caused / apprehended:**

It is pertinent to mention that the World Health Organisation has already updated media bulletins and has made aware not only to the medical fertility but also to public at large that the new strain of the COVID-19 has effect of spreading very quickly. That as per circulars has imposed restrictions on travel and gatherings and

observing the venue of the Padayatra there is a likelihood that large number of participants will use various modes of transport namely bus, train and through air to logistically launch into some of the accommodation already planned and scheduled by the Respondent No.6, the scheduled event will hamper the security, safety and well-being of not only the persons who are participating in the event but also of their immediate family along with the friends and children below the age of 18.

This was the seventh consecutive day that cases had spiked, and on Tuesday, January 9<sup>th</sup>, Karnataka reported 12,000 infections and several deaths. Active cases stood at 49,602. While this was data given as per the health department's bulletin on January 9<sup>th</sup>.

#### **7. Any representation etc. made:-**

The Petitioner has specifically asked the authorities concerned as well as the Respondent No.6 to review the decision and communicate a speaking decision in the larger interest. A copy of the representations submitted by the Petitioner to the Respondent Nos. 1 to 6 by way of an email dated 10th January 2022 is enclosed.

**8. Delay, if any in filing this petition and explanation therefore:**

Petitioner submits that there is no delay in filing the present petition and after representations of the petitioner not getting any response the petitioner is compelled to prefer the present petition.

**9. Documents Relied upon:**

Respondent No.1 has issued circular RD.158 TNR 2020 dated 04.01.2022 categorically Prohibiting all rallies, dharnas and protests. The said notification is produced as **ANNEXURE-A**. based on the said circular of the Respondent No.1 the Respondent No.4 issued a circular SO:RAA G KA/MAG(I)/CR/33/2021-22 dated 04.01.2022 is produced as **ANNEXURE-B**. The news items carried in with respect to violations of COVID-19 norms are published in various print media the copies pertaining to same published in The New Indian Express is produced as **ANNEXURE-C**, published Times of India is produced as **ANNEXURE-D**, Published in Deccan Herald is produced **ANNEXURE-E**, published in THE HINDU is produced as **ANNEXURE-F**. Copies of the representations submitted by the Petitioner to the Respondent Nos. 1 to 6 by way of an email and are enclosed herein as **ANNEXURE-G**.

**10. Reliefs Prayed for:**

A. Issue a Writ of Mandamus or any other writ in the nature of Mandamus or any order or direction to the Respondents No.1 to 5 not to permit/allow any political rallies, dharnas and protest and to restrain the Respondent No.6 from holding and continuing the Padayatra with the theme "NAMMA NEERU NAMMA HAKKU" in any place in the State of Karnataka as per clause 14 of the notification RD.158 TNR 2020 dated 04.01.2022.

B. Pass such other and incidental order/s as may be appropriate under the facts and circumstances of the present case.

**11. Interim Order, if prayed for**

Pending final disposal of the present Writ Petition on merits, this Hon'ble Court may be pleased to direct the Respondents No. 1 to 5 not to permit any rallies and dharnas and to hold back the Respondent No.6 from holding and continuing the Padayatra with the theme "NAMMA NEERU NAMMA HAKKU" in any place in the State of Karnataka as per clause 14 of the notification RD.158 TNR 2020 dated 04.01.2022 until the final disposal of this Writ petition on merits.



There is a spike in the seventh consecutive day in the state of Karnataka Active cases stood at 49602 While this was data given as per the health department's bulletin on January 9<sup>th</sup>. If the said Padayatra continues it has the potential to turn a super spreader. Because the Respondent Nos.1 to 5 together have the capacity to control and same is under the Disaster Management Act defined as disaster. The State Government is ultimately responsible to see and regulate such spreading events so the Petitioner gave representation which is done under the bonafide belief that the Respondent No.6 will take a proactive decision and the district administration be into the confidence before any such event. Because there exist a strong prima facie case concerning the health and wellbeing of society at large, clearly indicates that if this event were to go through, irreparable loss and injury which cannot be compensated .The Petitioner believes it is of urgent need that this Hon'ble Court determines and investigates into the grievance of the Petitioner thereby prioritizing public welfare.

## **12. Caveat:-**

That no notice has been received of lodging a caveat by the opposite party.

Advocate for petitioner

Place: Bengaluru

(P.R.NARENDRA)

Date: 10.01.2022

**Address for Service**

**P.R.NARENDRA**

**Advocate**

No.20, 1<sup>st</sup> Floor,  
2<sup>nd</sup> Main, Srikantan Layout,  
Crescent Road,  
Bangalore-560 001.

**IN THE HON'BLE HIGH COURT OF KARNATAKA AT  
BANGALORE**

**WRIT PETITION (PIL) NO.**

**/2022 (PIL-GM-RES)**

**BETWEEN:**

**Sri. NAGENDRA PRASAD A.V**

**....PETITIONER**

**AND:**

**STATE OF KARNATAKA  
And Others**

**....RESPONDENT**

**VERIFYING AFFIDAVIT**

I, NAGENDRA PRASAD A.V, S/o Sri. Venkatachalam A. Aged about 54 years, No.17, B.K Layout, Thindlu, Bangalore- 560 097, do hereby make oath and state as follows:-

1. I am the Petitioner in the above case and I am aware of the facts of the case and accordingly I am swearing to this affidavit.
2. I submit that the averments made in paragraph 1 to 12 of the memorandum of writ petition accompanying this affidavit, are true to the best of my knowledge, information and belief.
3. I state that the Annexure A to G are copies of the originals
4. What is stated in the Paragraphs No 1 to 8 are true to my own knowledge and belief and what is stated in paragraph 9 to 12 is

based on the information and legal advice which I believe to be true and correct.

I NAGENDRA PRASAD A.V the Deponent herein do hereby verify and declare that this is my name and signature and the contents in paras 1 to 4 are true and correct to the best of my knowledge, information and belief.

Identified by me

Deponent

Advocate  
Bangalore  
Dated

Sl.no.	Description	Pages	C.F. Paid
1.	Synopsis		
2.	Memorandum of Writ Petition		
3.	Verifying Affidavit		
4.	<b>Annexure 'A'</b> – The Copy of the circular dated 04.01.2022 issued by Government of Karnataka.		
5.	<b>Annexure 'B'</b> – The Copy of circular dated 04.01.2022 issued by the Deputy Commissioner, Ramanagar district		
6.	<b>Annexure "C"</b> – The New Indian Express news paper dated 10.01.2022.		
7.	<b>Annexure 'D'</b> – Times of India news paper dated 10.01.2022.		
8.	<b>Annexure "E"</b> – Deccan Herald news paper dated 10.01.2022.		
9.	<b>Annexure 'F'</b> – The Hindu news paper dated 10.01.2022.		

10.	<b>Annexure 'G'</b> - The copies of the representation by the Petitioner to Respondents through email id dated 10.01.2022.		
11.	Vakalath		

BENGALURU

(NARENDRA.P.R.)

DATED

ADVOCATE FOR PETITIONER

**P.R.NARENDRA**

**Advocate**

No.20, 1<sup>st</sup> Floor,  
2<sup>nd</sup> Main, Srikantan Layout,  
Crescent Road,  
Bangalore-560 001.

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