

Supreme Court, Single Bench
Hon'ble Justice Nahkul Subedi

Order
080-WO-0093

Subject: Certiorari and other

Megh Bahadur Aale and others – **Petitioner**

vs

Office of the Prime Minister and the Council of Ministers, Singhdarwar Kathmandu -**Opponent**

After studying the case memorial along with the presented application as well as arguments by senior Advocate Mr. Prakash Mani Sharma and Advocates Mr. Padam Bahadur Shrestha, Mr. Dilraj Khanal and Mr. Raju Phuyal, who appeared on behalf of the petitioner, the order is issued to submit a written answer within 15 days with an exception of the time required for the journey addressing questions like What happened to it? Why should the order as requested by the petitioner not be issued? And if there is any reason why the order as per the request should not be issued, the opposition no. 1, 2, 3, 4, 5, 6, 7, 8 and 9 through the office of the Attorney General and in case of opposition no. 10, the Office of the Chief Attorney of Karnali Province and in case of the opponent no.11, through the Office of the Chief Attorney of Far Western Province to submit a written response. Furthermore to keep a copy of the writ petition along with an issuance notice in the name of the opponents and proceed with the case accordingly after receiving the written memorial by the respondent or after the expiry date.

Additionally, when considering the request of the petitioners for an interim order, Article 30 of the Constitution of Nepal guarantees the right of every citizen to live in a clean and healthy environment and there is also a constitutional provision to maintain a proper balance between development and environment. It had been duly noted that Clauses (f) and (g) of Article 51 of the Constitution of Nepal state directive principles and policies of the state, including sustainable economic and social development, and policies related to conservation, promotion and use of natural resources in accordance with the recognition of intergenerational justice entrusted with the responsibility of protection, promotion and management of Karnali river to the government and its bodies. Therefore, In the current situation, until the final decision of the writ application is made, an interim order has been issued in accordance with Rule 49 of the Supreme Court Regulations, 2074 on behalf of the defendants to refrain from doing any actions that may affect the aquatic diversity of the Karnali River or pollute the river with actions such as mixing sewage and garbage in the River, any actions that may impact environmental balance and the aquatic system in the river, which is considered important from an ecological point of view, also actions that affect the flow of the river and to refrain from doing any actions contrary to the Sale and Management of Rock Sand, 2077. Duly inform the opponents of the order presented.

Issued Date- 2080/04/29/2 (August 15, 2023)