
GREEN VS. GREEN: THE CONTEMPORARY WRIT PARADOX

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ABSTRACT

This article explores a modern legal conflict where the environment faces a zero-sum battle against itself. Focusing on the landmark Supreme Court case of *M.K. Ranjitsinh v. Union of India*, it examines what happens when building massive solar grids to protect climate accidentally causes the extinction of a rare regional bird: the Great Indian Bustard. The paper introduces the concept of an “Anomalous Mandamus,” describing the legal deadlock judges face when the state’s lawful performance of one environmental duty directly violates another under Article 21. Ultimately, it critiques the court’s reliance on closed-door expert committees and argues for a “Continuing Mandamus” framework to ensure that green technology and wildlife protection can coexist transparently on a shared planet.

Keywords: Writ of Mandamus, Anomalous Mandamus, Article 21, *M.K. Ranjitsinh*, Climate Security, Biodiversity Conservation, Continuing Mandamus, Green vs. Green Conflict.

Introduction: Defining the framework and the Contemporary Dilemma

In the realm of Indian Constitutional Law, a writ of Mandamus under Article 32¹ and 226² is defined as a judicial command forcing public authorities to execute a mandatory statutory duty. Early public interest litigation utilized this tool as a straightforward remedy to compel the state to halt localized, unlawful pollution. Modern climate litigation has completely disrupted this traditional model, giving rise to “Anomalous Mandamus.” This anomaly describes a jurisprudential deadlock where a constitutional court faces a structural conflict between two equally valid, competing public obligations: the states macro-environmental duty to deploy renewable energy infrastructure for human climate safety, and its domestic statutory duty to preserve endangered regional wildlife from extinction.³

This structural clash between global atmospheric protection and local species preservation crystallized in the Landmark Supreme Court case of *M.K.Ranjitsinh vs. Union of India*⁴, birthing a profound contemporary legal paradox. In this verdict, the court expanded Article 21 (The Right to Life) by establishing a new Fundamental Right “Right to be free from the adverse effects of climate change”.⁵

Historical Evolution

To understand the anomalous mandamus and the paradox, the following timeline will help trace the key legal milestone.

¹ INDIA CONST. art. 32.

² INDIA CONST. art. 226.

³ Gaurav Thote, India’s New Constitutional Climate Right, VERFASSUNGSBLOG (Apr. 16, 2024), <https://verfassungsblog.de..>

⁴ *M.K.Ranjitsinh v. Union of India*, 2024 INSC 280.

⁵ Standalone Climate Rights Analysis, Climate Rights vs Solar Power in *MK Ranjitsinh v Union of India*, DOWN TO EARTH (2024) , <https://downtoearth.org.in.>

Year/date	Historical milestone	Significance
January 26, 1950	Enactment of the Constitution of India	Complete textual absence of an Fundamental Right to a healthy environment.
January 9, 1991	Supreme Court verdict in Subhash kumar vs. State of Bihar ⁶	The court explicitly reads the right to enjoyment of pollution free water and air into Article 21 (Right to Life) ⁷
November 24, 1994	Supreme Court verdict in Virender Gaur vs. State of Haryana ⁸	Statutory imperative:- imposes a positive constitution duty upon the state to maintain ecological balance and public hygiene.
1991 - 2023	Era of the traditional Mandamus Binary	Procedural Functions: the writ of Mandamus operates seamlessly under Article 32 and 226 to target clear corporate polluter or inactive state regulators.

Analysis:

The chronological evolution of Indian environment jurisprudence demonstrates that the structural efficacy of the Writ of Mandamus under Article 32 and 226 was historically predicated upon strict, non-conflicting legal binary. The adversarial framework uniformly pitted a suffering public against an unprincipled corporate polluter or an inactive state regulatory body. Because localized ecological degradation was unequivocally harmful to both human survival and regional wildlife, a judicial command forcing public officials to act served both humanized and biocentric interests simultaneously.

Consequently, expanding the protective scope of Article 21 to secure clean air and water naturally protected the surrounding biosphere. The courts writ power functioned as a straightforward mechanism of enforcement, long before modern macro-climate policies arrived to climate security and localized species survival.

The 2024 Turning Point: the Ranjitsinh Case and the Green vs. Green Clash

The simple legal architecture of the past was completely disrupted by the landmark Supreme

⁶ Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.

⁷ INDIA CONST. art. 21.

⁸ Virender Gaur v. State of Haryana, (1995) 2 SCC 577.

Court decision in *M.K.Ranjitsinh vs. Union of India* (2024). In this historic verdict, the court elevated climate action to its highest constitutional status, explicitly reading the “Right to be free from the adverse effects of climate change” into the protective umbrella of Article 14 and Article 21. The Court recognized that human life and dignity are directly threatened by rising global temperatures, intensifying heat waves, and ecological instability. However, this progressive milestone immediately triggered a heart breaking physical paradox on the ground. To fulfill its international carbon-reduction commitments under the Paris Agreement, the Indian executive aggressively prioritized the Thar Desert region for the rapid setup of massive, sustainable solar energy grids. Tragically this exact geographical pocket is also the final evolutionary sanctuary for the Great Indian Bustard – a critically endangered bird protected under the strict mandates of the Wildlife Protection Act, 1972.⁹

This geographical overlap created a profound “Green v. Green” conflict that strips away the clear corporate-villain narratives of early Environmental Law. The conflict is deeply physical: because these heavy birds possess poor frontal vision, they are structurally incapable of scanning and dodging high-voltage overhead transmission lines during flight, resulting in instant death upon impact. Consequently, the judiciary is forced to confront a painful, humanized dilemma where the state is not acting out of commercial greed or negligence. Instead, the executive is aggressively performing its macro-environmental duty to shield millions of vulnerable human populations from global climate disasters, yet its very success requires the localized destruction of a unique, innocent wildlife species. Both sides of this battlefield are fighting for survival under the constitutional Article 21, leaving the law caught in a tragic, zero-sum choice between global human survival and immediate ecological extinction.

The Jurisprudential Dilemma: The Emergence of the “Anomalous Mandamus”

This physical deadlock completely shatters the traditional mechanics of constitutional remedies, giving rise to what can be defined as an “Anomalous Mandamus”. An Anomalous Mandamus is a legal deadlock where a court cannot issue a command because the state’s lawful performance of one environmental duty directly forces it to violate another. Under the establishment jurisprudence of Article 32 and 226, a writ of Mandamus is structurally designed as an adversarial tool of correction. It is a supreme judicial command issued to a public official

⁹ Wildlife Protection Act, No. 53 of 1972, India Code.

who has willfully neglected a mandatory statutory duty. However, in this contemporary dilemma, the foundational prerequisite of Mandamus completely evaporates. The state executive is neither lazy nor negligent. Public authorities are actively executing their constitutional mandates to build sustainable energy infrastructure to protect the macro-climate. The State's lawful execution of international carbon-reduction goals directly forces it to violate domestic wildlife preservation mandates.

This operational overlap sets a profound jurisprudential trap for constitutional judges. When a citizen files a writ petition to halt the overhead power grids, the court enters a self-cancelling loop. If the Judge issues a Mandamus to underground or suspend the transmission lines, they protect the endangered Great Indian Bustard (GIB) but severely derail India's Transition to clean energy, directly exposing human populations to accelerate climate disasters. Conversely, if the court denies the writ to safeguard global climate commitments, it effectively signs the extinction warrant for a unique species under its judicial watch. The traditional writ mechanism is rendered powerless because it was never designed to choose between two completely legitimate, competing Fundamental Rights under Article 21. By forcing the judiciary to adjudicate this zero-sum battle between human survival and ecological integrity, the "Anomalous Mandamus" exposes a critical vulnerability. Our traditional constitutional remedies are buckling under the complex, polycentric demands of the climate era.

Beyond Judicial Delegation: Recalibrating the way forward:

Faced with this crippling constitutional deadlock, the Supreme Court in *M.K.Ranjitsinh* attempted to resolve the self-canceling loop of the Anomalous Mandamus by modifying its previous absolute ban on overhead power lines. Instead of resolving the direct clash between global climate goals and local wildlife protection, the core problem to an independent, technical Expert Committee consisting of Scientists, Energy Bureaucrats, and Wildlife specialists to make case-by-case decisions on power grid installation. While this administrative delegation defuses immediate political tension, it creates a dangerous trend of "Committee Governance" that quietly weakens the protective authority of the judiciary.

When a constitutional court passes complex Fundamental Rights disputes onto an ad-hoc technical boards, it dilutes the power of its own writ jurisdiction under Article 32 and 226. If a committee prioritizes corporate renewable energy infrastructure over fragile regional wildlife behind closed doors, a citizen's Fundamental Rights are effectively bartered away without the

essential checks of public, judicial accountability.

Consequently, to ensure that constitutional remedies remain a meaningful shield for nature in the Anthropocene, the judiciary must reject this passive stance and actively revive the doctrine of “Continuing Mandamus”. A Continuing Mandamus is an innovative procedural tool where the court does not issue one-time final command, but instead retains active jurisdiction over the case for months or years, forcing public authorities to submit regular, transparent progress reports to the bench. By applying this structural framework to the modern “Green v. Green” paradox, the writ court can transform itself from a helpless referee into an active superior of ecological balance. Rather than abandoning the field to executive committees, the court can use its ongoing superior power to legally compel green energy developers to adopt immediate technological innovations, such as routing transmission cables through underground pathways or installing real-time flight diverters, ensuring that India meets its global climate mitigation targets without quietly executing its local biodiversity.

Conclusion: Harmony in a Human Dominated Era

The landmark ruling in *M.K.Rangitsinh vs. Union of India* proves that constitutional law must cease to operate in isolated silos. The fundamental right to climate security under Article 21 is a significant judicial milestone, but its collision with local biodiversity reveals that traditional legal remedies must adapt to survive. If the Writ of Mandamus under Article 32 and 226 is to remain a meaningful safeguard, it must reject zero-sum choices that treat human survival and wildlife preservation as enemies. Instead, by utilizing proactive mechanisms like Continuing Mandamus, Constitutional courts can ensure that green technological growth and species conservation evolve together as complementary halves of a single, shared planet.