

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4811 of 2015 (S)

PETITIONER(S) :-

G.FULVIAS AGED 60 YEARS
S/O.GEORGE, IRA-6, BEHIND GEOLOGICAL SURVEY OF INDIA
KULANTHINKARA, MANIKANTESWARAM P.O.
THIRUVANANTHAPURAM - 695 013.

BY ADV. SRI.K.I.SAGEER

RESPONDENT(S) :-

1. THE DIRECTOR, MUSEUM & ZOO, MUSEUM COMPOUND,
THIRUVANANTHAPURAM - 695 001.
2. DIRECTOR OF SOCIAL WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN:695 001.
3. THE PRINCIPAL SECRETARY TO THE GOVERNMENT
CULTURAL DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
4. STATE OF KERALA,
REP. BY ITS SECRETARY, SOCIAL WELFARE DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1: A TRUE COPY OF THE JUDGMENT DT. 20/06/2005 IN WPC NO.14450/2000 OF THE FILE OF THIS HON'BLE COURT.

EXT.P2: A TRUE COPY OF THE G.O.(RT) NO.349/2011/SO.WEL.DEPT DT. 20/9/2011 ISSUED BY THE GOVERNMENT (WITH ENGLISH TRANSLATION)

EXT.P3: A TRUE COPY OF THE REPRESENTATION FILED BY THE LEELAMMA ISAC, COUNCILOR OF THIRUVANANTHAPURAM CORPORATION DT. 22/8/2011 (WITH ENGLISH TRANSLATION)

EXT.P4: A TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE RESPONDENTS AND OTHER AUTHORITIES DT.NIL.

EXT.P5: A TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT. 29/12/2014 (WITH ENGLISH TRANSLATION) .

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.4811 of 2015

Dated this the 16th day of February 2015

J U D G M E N T

Shaffique, J.

The writ petition is filed seeking the following reliefs :-

- "a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to prohibit sale of packed drinks and food items in plastic containers in the zoo and museum compound and to implement the directions in Ext.P2 in letter and spirit.
- b) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to take immediate action against those persons who are selling packed drinks and food items in plastic containers in the zoo and museum compound and cancelling their licence/ permission forthwith."

2. The petitioner claiming to be a pro bono publico has approached this Court by filing a public interest litigation. His complaint is that, despite the fact that directions had been issued by the Government by way of Ext.P2 Government Order dated 20.9.2011, no action is being taken by the respondents to prevent the plastic containers and bags being used inside the zoo at Thiruvananthapuram. The petitioner had submitted Exts.P4 and P5 representations to the Government, but, still nothing has been done in the matter.

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3. Having gone through the averments in the writ petition and after having heard the learned counsel for the petitioner as well as the learned Government Pleader, we find that the Government had already issued appropriate directions as per order dated 20.9.2011 to prevent usage of plastic in the zoo complex as directed in the judgment dated 20.6.2005 in W.P.(C) No.14450 of 2000 of this Court. The Government have taken appropriate decision in the matter and there is no further materials to indicate that the plastic is being used inside the zoo and the museum. We do not think that there is any necessity to issue any further order as prayed for in the writ petition. It is always open for the petitioner to appraise the authorities if such materials are found in the premises and it is for the authorities to take appropriate action in the matter.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE