

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.7407 of 2019

P.R.Samppathkumar,
Proprietor of M/s.Raam and Raam Poly Manufacturer,
D-8, Industrial Estate,
Thattanchavady,
Pondicherry - 605 009. .. Petitioner

Vs.

1. The Chairman,
Tamil Nadu Pollution Control Board,
76, Anna Salai, Guindy Industrial Estate,
Race View Colony,
Guindy, Chennai 600 032.
2. The District Collector,
Chennai District,
Singaravelar Maaligai,
62, Rajaji Salai,
Chennai 600 001.
3. The Commissioner,
Corporation of Greater Chennai,
Ripon Building,
Chennai 600 003.
4. The Commissioner,
Commercial Taxes Department,
PAP JM Building, No.1 Greams Road,
Nungambakkam, Chennai 600 034.
5. The Principal Secretary,
Environment & Forest Department,
Fort St. George,
Chennai 600 009. ... Respondents

(R5 impleaded vide order dated 11.04.2019 in W.M.P.No.11322 of 2019 in W.P.No.7407 of 2019)

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, to forbear the

Respondents and its officials, subordinates or anybody claiming through them from seizing the products manufactured and sold by the Petitioner, namely Primary Packing Cover (PP bags) and consequently, permit the Petitioner to sell the Primary Packing Cover (PP bags) to the Petitioner's dealers in Tamil Nadu.

For Petitioner : Mr.M.Praveen Kumar

For 2nd Respondent : Mr.Akhil Akbar Ali,
Government Advocate

For 5th Respondent : Mr.V.Vijay Prashanth,
Addl. Government Pleader (F)

For Respondents 1, 3 & 4 : No appearance

O R D E R

(Order of the Court was made by M.M.SUNDRESH,J.)

Petitioner has filed this Writ Petition on the premise that the product namely, Primary Packing Cover (PP bags) manufactured by him, would not come under the purview of exemption for ban as per Rule 1(b) of the Government Order Notification.

2. In the Counter Affidavit filed by the 1st Respondent, the following statement has been made:

"5. It is respectfully submitted that the object of the said G.O. is not to hamper or curtail business, and it is only for that reason that the G.O. has exempted plastic bags, which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing/processing units. It is submitted that the product mentioned by the Petitioner is under the purview of exemption for ban as per Rule 1(b) of the Government Order Notification.

6. It is respectfully submitted that although the product mentioned by the Petitioner has not been covered under the ban, it is submitted that the said product shall comply as per Plastic Waste Management Rules, 2016, as amended in 2018 with the following provisions: ..."

3. In such view of the matter, the Writ Petition stands

disposed of with the direction and observation that the product manufactured by the Petitioner is entitled for exemption for ban as per Rule 1(b) of the Government Order Notification. However, this order is subject to the compliance of Plastic Waste Management Rules, 2016, as amended in 2018. No costs. Consequently, connected W.M.P.Nos.8080 and 8083 of 2019 are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Chairman,
Tamil Nadu Pollution Control Board,
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5. The Principal Secretary,
Environment & Forest Department,
Fort St. George, Chennai 600 009.

+1cc to Mr.Praveen Kumar, Advocate, S.R.No. 89562

+1cc to the Special Government Pleader, S.R.No. 89290

W.P.No.7407 of 2019

VG II(CO)
GN(29/11/2019)