

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.438 of 2019

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M/s Jay Maa Ambay Plastic Industries at Vivekanand Nagar Bengali Colony
Patna City, P.S. Chowk, P.O. Begumpur, District- Patna through its Proprieter
Seema Kumari, W/o Sunil Kumar, Resident of Chowk Shikarpur (Nalapar),
Jangali Prasad Lane, Patna City, P.S.- Chowk, P.O.- Begumpur, District-
Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Environment, Forest and Climate Change, Government of India, New Delhi.
2. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, New Delhi.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principle Secretary, Department of Environment and Forest Government of Bihar, Patna.
5. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
6. The Chairman, Bihar State Pollution Control Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-01-2020 The petition filed on 04.01.2019 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed inter alia for the following
relief/s:

“For issuance of an appropriate writ/writs,



order/orders, direction/directions for commanding the respondents and for declaration that the Notification No.1153 dated 15th October, 2018 as published in the Extra Ordinary Gazette of Bihar on 24th October, 2018 whereby the Manufacturer, Import, Storage, Distribution and other allied activities in Plastic Carry Bags (irrespective of their size and thickness) have been completely prohibited in the entire State of Bihar as illegal, unconstitutional and ultra vires to the fundamental rights guaranteed under Articles 14 and 19 of the Constitution of India and also is ultra vires being in the contravention of Central Act, the Environment (Protection) Act, 1986 and the plastics manufacture sale and usage Rules 1999 as well as the plastic wastes management Rules, 2016.”

Learned Advocate General states that the issue raised in the present petition is squarely covered with the judgment dated 24.01.2019 passed in C.W.J.C. No. 24358 of 2018 (Sangita Plastic & Ors Vs. The Union of India & Ors.) and other analogous cases.

After the matter was heard for some time, learned counsel seeks permission to withdraw the present petition reserving liberty to approach the respondents by way of filing fresh a representation, which the petitioner intends to make within next two months.

Learned Advocate General states that without



prejudice to the respective rights and contentions of the parties, such representation, if so made, shall be considered and decided in accordance with law within a period of three months from the date of receipt thereof.

While taking such decision, the judgments operating in the field including one referred to above shall be considered in accordance with law.

The petition stands disposed of with the liberty aforesaid.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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