

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8598 of 2022

1. Magadh Poly Plast Industries Pvt. Ltd. through its Director namely Satyam Kumar @ Satyam Kumar Singh (Male), aged about 32 years, son of Sri Surendra Prasad Singh, having its registered office at Village-Maksudpur, P.O. and P.S.-Shahzadpur, District-Patna-801305.
2. MSB Polymers through its Proprietor, namely Nand Kumar (Male) aged about 42 years, son of Late Ram Kauleshwar Prasad, having its registered office at Biscuit Factory Road, Narsariganj, Digha, P.O. and P.S. Danapur, District-Patna-800012.
3. Aradhya Industries through its Partner namely Ankit Jain (Male), aged about 28 years, son of Indraraj Mal Jain, having its registered office at S.D.O. Road, Khagaria, P.O. and P.S. Khagaria, District-Khagaria-851204.
4. Jamuni Polymers Pvt. Ltd through its Director namely Sumit Shekhar (Male), aged about 37 years, son of Paspas Rai, having its registered office at Village-Chandrahiya, P.O. Chaudha, P.S. Kudhani, District-Muzaffarpur-844127.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Environment, Forest and Climate Change, Government of India, New Delhi-110001.
2. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, New Delhi-110001.
3. The Principal Secretary, Ministry of Environment, Forest and Climate Change, Government of Bihar, Patna.
4. The Secretary, Bihar Pollution Control Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Advocate
For the UOI	:	Mr. Dr. K.N. Singh (ASG)
		Mr. Kumar Priya Ranjan, Adv
		Mr. Abhijeet Gautam JC to ASG
		Mr. Amarjeet JC to ASG

For the State : Mr. Bishwa Bibhuti Kumar Singh, AC to AG

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

Date : 29-06-2022

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

1. That, the petitioner through the present writ application prays for a direction in the nature of writ of mandamus or certiorari or any other appropriate writ, direction to declare the notification as contained in Rule 4(2)(b) of the Plastic Management Rules 2016 as ultra virus ,which is hereinafter referred to as the Rules notified by the Ministry of Environment , Forest and Climate Change by notification dated 12.08.2021 which reads as follows:

"2) The manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022;

(a) xx xx xx

(b) plates, cups, glasses, cuticry such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards and cigarette packets, plastic or PVC banners less than 100 micron, stirrers."

After the matter was heard for some time, learned counsel for the petitioners, under instruction, states that petitioners shall be content if a direction is issued to the **respondent no. 3 Principal Secretary, Ministry of Environment, Forest and Climate Change, Government of Bihar, Patna**, to consider and decide the representation which the petitioners shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along

with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioners;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioners to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA