



W.P.No.34182 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**W.P.No.34182 of 2017 and**

**WMP No.37974, 37975 of 2017**

S.Prathab

.... Petitioner

Vs.

1. The State of Tamil Nadu,  
Rep. by its Secretary, Ministry of Home,  
Prohibition and Excise, Secretariat,  
Fort St. George, Chennai 600 009.
2. The Member Secretary,  
Tamil Nadu Pollution Control Board,  
78, Mount Road, Guindy,  
Chennai 600 032.
3. The Director of Environment,  
Department of Environment,  
No.1, Jennies Road, Panagal Building,  
Saidapet, Chennai 600 015.
4. The Managing Director,  
TASMAC Ltd., Egmore, Chennai 600 008.



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5. The Tamil Nadu Plastics Manufactures Association,  
Rep. by its Secretary S.Rakkappan,  
Rams Square, C-1, First Floor,  
2, Valluvar Kottam High Road,  
Nungambakkam, Chennai-34.  
(R5 impleaded vide order dated 09.09.2022  
made in WMP 1209/2018 in W.P.34182/2017)

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Certiorarified mandamus to call for the records in G.O.Ms.No.136 dated 19.06.1996 on the file of the first respondent and quash the same and consequently direct the respondents to ban the use of the PET bottles in any manner.

For petitioner : Mr.C.Senthil Nathan  
for Dr.G.Krishnamurthy

For Respondents : Mr.R.Anitha, Spl.Govt.Pleader  
for R1.

Ms.Shanmugavalli Sekar for R2.

Mr.J.Ravindran, Addl.Adv.General,  
Assisted by Dr.T.Seenivasan,  
Spl.Govt.Pleader(F) for R3

Mr.K.Sathish Kumar  
for R4 (TASMAC)

Mr.K.Magesh for R5



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### **ORDER**

(Order of this Court was made by D.KRISHNAKUMAR, J.)

This Writ petition has been filed seeking to issue a writ of Certiorarified mandamus, to quash the G.O.Ms.No.136 dated 19.06.1996 and consequently direct the respondents to ban the use of the PET bottles in any manner.

2. The contention of the petitioner is that in and around the Tamil Nadu, there are more than 10 liquor manufacturing units and there is a need of 288 crores of empty bottles per year for filling liquor items. Further, the empty bottles have been recycled and in the process of recycling, no environmental pollution is caused. However, the first respondent has issued the impugned Government Order in G.O.Ms. No.136 dated 19.06.1996 , granting permission to use the pet bottles in the year 1996 itself and it was not practically implemented. However, recently, the first respondent proposed to implement the above Government Order. Hence the Writ petition.



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3. The fourth respondent, viz. the Managing Director, TASMAC Ltd., Egmore, Chennai has filed a counter affidavit, wherein at paragraph No.10, it is specifically stated that, " there is no proposal of implementing the PET bottles in TASMAC". It is also stated that the fourth respondent had already issued a circular dated 04.09.2018 to ban the one time use of plastic in TASMAC from 01.01.2019 onwards. But, the petitioner has filed the writ petition without verifying the facts and hence prayed for dismissal of the writ petition.

4. At this juncture, the learned counsel appearing on either side submitted before this Court to record the above statement of the fourth respondent and to dispose the writ petition.

5. Accordingly, recording the statement made by the fourth respondent at paragraph No.10 of the counter affidavit, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K., J.) (T.V.T.S., J.)

04.11.2022

Index:Yes/No  
mst



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To

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Ministry of Home, Prohibition and Excise,  
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**D. KRISHNAKUMAR, J.  
and  
T.V.THAMILSELVI, J.**

mst

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