

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 13864 of 2018

Petitioner :- Moti Lal Yadav

Respondent :- Hon Ble Prime Minister Office Thru. Its Prin. Secy. And Others

Counsel for Petitioner :- Moti Lal Yadavin Person

Counsel for Respondent :- C.S.C.,A.S.G.

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

1. Sri Moti Lal Yadav, petitioner, appearing in person, Sri Prakhar Mishra, learned Standing Counsel for State-respondents and Sri Raj Kumar Singh, learned counsel for Union of India are present.

2. Let the petitioner's counsel implead the Department of Environment, Government of U.P., Lucknow as an opposite party during course of the day.

3. This petition was filed way back in 2018 seeking the following reliefs :-

"I. Issue a writ order or direction in the nature of mandamus thereby directing the Opposite Party nos.1 and 2 to ban on import of chinese manjha and other injurious products from China to India which are injurious to health of the human beings.

II. Issue a writ, order or direction in the nature of mandamus directing the opposite party nos.3 and 4 to strictly ban on sale and use of chinese manjha as well as other manjhas in the entire state of Uttar Pradesh.

III. Issue a writ order or direction in the nature of mandamus thereby directing the Opposite Party no.3 Chief Secretary of State of Uttar Pradesh to pass an appropriate punishable government order,

notification/circular for strictly prevent/ban on sale and use of chinese manjha as well as other manjhas in the entire state of Uttar Pradesh."

4. State Government has filed the counter affidavit *inter alia* stating therein that after issuance of the Government Order dated 16.11.2017, in pursuance to the orders passed by this Court on 15.05.2018 another Government Order dated 06.06.2018 was issued to all the District Magistrates, Senior Superintendents of Police and Superintendents of Police of various districts in the State for proper implementation of the Government Order dated 16.11.2017 which was issued prohibiting, manufacturing, storage, use and sale of Synthetic Manjha/Lead quoted/Nylon Patang Dori and Chinese Manjha and also called for the action taken report. The counter affidavit further goes on to state that the Government Order dated 02.03.2016 was also issued in compliance of directions of this Court in Civil Misc. Writ Petition No.11759 of 2015 : *Devashish Mitra vs. State of U.P.* by which use of Chinese Manjha has been prohibited in rural and urban areas of the State in exercise of the power under Section 5 of the Environment (Protection) Act, 1986. Thereafter, Government Order dated 22.12.2016 was also issued by the State Government for necessary compliance of directions issued by the National Green Tribunal in O.A. No.384 of 2016 : *Khalid Ashraf and another vs. Union of India and others.* The Government Order dated 01.05.2017 was also issued by the Principal Secretary,

Environment, Government of U.P. in compliance of judgment dated 19.11.2015 passed by this Court in PIL No.58620 of 2015 : *Anurag Mitra vs. State of U.P. and others* as well as the order of the National Green Tribunal dated 14.12.2016 passed in the O.A. referred hereinabove. On 31.01.2017, necessary directions have also been issued by the Director General (Law and Order) U.P. to all Zonal Inspector General of Police for necessary compliance of the aforesaid orders.

5. However, the issue is not that the government is not issuing orders. The issue is of its implementation though para 5 of the counter affidavit mentions that action taken report had been sought from the concerned District Magistrate and Superintendent of Police, the same have not been filed as yet.

6. Let a fresh affidavit be filed by the Home Department as also the Department of Environment in the State of U.P. as to the mechanism in place for implementing the aforesaid Government Orders and how this mechanism has been utilized to ensure effective implementation of the aforesaid orders. The action taken reports, if any, received from the districts be also summarized and brought on record so as to enable this Court to ascertain as to whether the said Government Orders are being properly implemented or not.

7. List on **25.09.2024** showing name of Sri Raj Kumar Singh, as

counsel for Union of India.

8. Counsel for the petitioner has placed before us a news item published in Hindi daily newspaper Amar Ujala on 26.08.2024 pertaining to an incident where the throat of a person got slit on account of Chini Manjha being used by a youngster. These incidents have happened in Lucknow. A copy of the said newspaper clipping is handed over to Sri Prakhar Mishra, learned Standing Counsel as also to Sri Raj Kumar Singh, counsel for Union of India. The said newspaper clipping is also taken on record.

9. Sri Raj Kumar Singh, may also seek instructions and file requisite affidavit as to the stand of the Union of India in this regard and whether this issue is also pending consideration before the National Green Tribunal or has been decided by it finally, apart from the order referred hereinabove.

[Om Prakash Shukla, J.] [Rajan Roy, J.]

Order Date :- 3.9.2024
Shubhankar