

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR. JUSTICE S.MANU

Friday, the 15th day of November 2024 / 24th Karthika, 1946
WP(C) NO. 16253 OF 2023(S)

PETITIONER:

SUDHAKARAN.K.V, AGED 63 YEARS, SON OF VELAYUDHAN,
NOW RESIDING AT KUNNATHU VALAPPIL HOUSE,
KOLATHUPRAMBIL, OTHUKKUNGAL, MALAPPURAM - 676 528.

RESPONDENTS:

1. CENTRAL POLLUTION CONTROL BOARD, REPRESENTED BY THE DIVISIONAL HEAD, COMPOSTABLE DIVISION, PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI - 110 032.
2. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O., THIRUVANANTHAPURAM - 695 004.
3. STATE OF KERALA, REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY, ENVIRONMENTAL DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
4. SPROUT PRIVATE LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR SANTHOSH PHILIP, PARAMBATTE HOUSE, KAITHPURAM.P.O. MANDAPAM, SREEKANDAPURAM, KANNUR - 670 631.

ADDITIONAL R5 IMPEADED

5. K.PRABHAKARAN, AGED 72 YEARS, S/O. KUMARAN,
RESIDING IN SWASRAYA MANDIR, MATTANCHERRY, KOCHI- 682 002,
SECRETARY, SWASRAYA, MATTANCHERRY, KOCHI- 682 002
ADDL. R5 IS IMPEADED AS PER ORDER DATED 09/07/2024
IN I.A 1/2023 IN WP(C).

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an interim order directing the respondent 2nd and 3rd respondents to take strict and stringent action against the producers and manufacturers of cups, plates, cover and other products who do not have the requisite registration from the Central Pollution Control Board as contemplated under Rule 13 of the Plastic Waste Management Rules, 2016 pending the disposal of the above Writ Petition.

P.T.0

This petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 22/10/2024 and upon hearing the arguments of SRI. P.B.SAHASRANAMAN (SR.) along with M/S. T.S.HARIKUMAR & SANAND RAMAKRISHNAN, Advocates for the petitioner, M/S. RAAJESH S.SUBRAHMANIAN & M.AJAY, Advocates for R1, SRI.T.NAVEEN, STANDING COUNSEL for R2, GOVERNMENT PLEADER for R3, M/S. PRAVEEN.H, K.S.SMITHA, AMAL DEV D & T.T.SHANIBA, Advocates for R4 and of SRI. G.HARIHARAN, Advocate for Addl. R5, the court passed the following:

P.T.0



NITIN JAMDAR, C.J.
&
S.MANU, J.

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W.P.(C) No.16253 of 2023

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Dated this the 15th day of November, 2024

ORDER

NITIN JAMDAR, C.J.

Heard Mr.P.B.Sahasranaman, learned counsel for the Petitioner and Mr.T.Naveen, learned Standing Counsel for the Pollution Control Board.

2. Having heard the learned counsel for the parties, perusing the records and the orders passed, we are of the opinion that for the issue raised in this petition and the reliefs sought, continuous monitoring is required, which is not feasible and practicable to be done by the Court. The Pollution Control Board will have to carry out this monitoring with aid and assistance of other authorities such as local authorities and police authorities. Therefore, a permanent plan of action to ensure that unregistered manufacturers and producers do not engage in activities covered by the concerned Rules will have to be formulated by the Board.

3. The learned counsel for the Pollution Control Board states that for shortage of staff it has to depend on the assistance of local authorities and the police. The Pollution Control Board will file an affidavit setting out how it proposes to take effective measures on the subject matter and which are the areas where the Pollution Control Board would require

assistance. Ultimately, this task under the Statute is upon the Pollution Control Board and unless the Pollution Control Board is able to take effective measures, the object cannot be achieved.

4. Let an affidavit with plan of action be filed by the Chairperson or affidavit approved by the Chairperson be placed on record. A copy of the said affidavit be also furnished to the Additional Chief Secretary, Environmental Department – Respondent No.3 in advance.

5. Post on 6 December 2024.

Sd/-



**NITIN JAMDAR
CHIEF JUSTICE**

Sd/-

**S.MANU
JUDGE**

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