

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

Tuesday, the 15th day of December 2020/24th Agrahayana, 1942

IA.3/2020 IN WP(C) No.24937/2020(N)

PETITIONER

1. SPROUT PRIVATE LIMITED,
NEAR RUBCO LATEX FACTORY, SREEKANDAPURAM, KANNUR DISTRICT-670631,
REPRESENTED BY ITS MANAGING DIRECTOR, SANTHOSH PHILIP, AGED 40 YEARS,
SON OF PM PHILIP, RESIDING AT PARAMABATTE HOUSE, KAITHAPURAM P.O.,
MADAMAPAM, SREEKANDAPURAM, KANNUR-670631.
2. SANTHOSH PHILIP, AGED 40 YEARS,
SON OF PM PHILIP, RESIDING AT PARAMBATTE HOUSE, KAITHAPURAM P.O.,
MADAMAPAM, SREEKANDAPURAM, KANNUR-670631.
3. THOMAS JOSE, S/O T.T.JOSE, THANNICHUVATTIL, KAIPUZHA, KOTTAYAM-686602.

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT OF
ENVIRONMENT AND CLIMATE CHANGE, SOUTH SANDWICH BLOCK, ROOM-SSBT II,
4TH FLOOR, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
 2. THE ABDUL RAHMAN NAGAR GRAMA PANCHAYATH,
POOLAKKAL PURAYA, ABDUL RAHMAN NAGAR, MALAPPURAM-676305,
REPRESENTED BY ITS SECRETARY.
 3. THE PRESIDENT, ABDUL RAHMAN NAGAR GRAMAPANCHAYATH,
POOLAKKAL PURAYA, ABDUL RAHMAN NAGAR, MALAPPURAM-676305.
 4. THE DISTRICT COLLECTOR, COLLECTORATE, UP HILL, MALAPPURAM-676505.
 5. THE REVENUE DIVISIONAL OFFICER,
TIRUR, THRIKKANDIYOOR ROAD, TIRUR, MALAPPURAM DISTRICT-676101.
 6. THE ENVIRONMENTAL ENGINEER, KERALA POLLUTION CONTROL BOARD,
NO.19/269-A, PERINTHALMANNA ROAD, UP HILL, MALAPPURAM-676505.
 7. THE STATION HOUSE OFFICER,
TIRURANGADI POLICE STATION, CHEMMAD, MALAPPURAM DISTRICT-676306.
 8. M/S GRAND PAPER PRODUCTS,
HAVING GST NO.32AOWPH605HIZO, 21/101, A MALAPPURAM LIND ROAD, VK PADI,
THIRURANGADI, MALAPPURAM-676306, REPRESENTED BY ITS MANAGING DIRECTOR.
 9. M/S GREEN INDUSTRIES HAVING ITS GST NO.32DRRPS5837LIZX,
AP 4/112 E, MALAPPURAM LIND ROAD, VK PADI, THIRURANGADI,
MALAPPURAM-676306, REPRESENTED BY ITS MANAGING DIRECTOR.
- ADDL.R10. SECRETARY,
ABDUL RAHMAN NAGAR GRAMA PANCHAYATH, POOLAKKAL PURAYA,
ABDUL RAHMAN NAGAR MALAPPURAM-676305.

IS IMPEADED AS PER ORDER DATED 15.12.2020 IN I.A.NO.4/2020 IN WP(C)
24937/2020.

IA.3/2020 IN WP(C) No.24937/2020(N)

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to direct the 5th and 6th respondents to forthwith confiscate the goods, prohibited under Exhibit P2 notification, found in the premises of the 8th and 9th Respondents during the course of the inspection carried out on 27.11.2020 and to suspend the consent to operate and the Trade License granted to the 8th and 9th respondents which is being misused for manufacturing and selling plastic coated paper cups which is legally prohibited, in the above matter in the interest of justice

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and this Court's order dated 26.11.2020 in WP(C) and upon hearing the arguments of M/S SANTHOSH MATHEW, JAISY ELZA JOE, KARTHIKA MARIA, VEENA RAVEENDRAN, ANIL SEBASTIAN PULICKEL, ARUN THOMAS, JENNIS STEPHEN and VIJAY V. PAUL, Advocates for the petitioner in I.A./WP(C), GOVERNMENT PLEADER for R1, R4, R5 and R7 in I.A./WP(C), STANDING COUNSEL for R6 in I.A./WP(C), M/S MEENA.A., ANISH ANTONY ANATHAZHATH, THAREEQ ANVER, M.R.MINI, ASHWIN SATHYANATH, K.C.KIRAN, M.DEVESH and VINOD RAVINDRANATH, Advocates for R8 and R9 in I.A./WP(C) and of Sri. B.PRAMOD, ADVOCATE COMMISSIONER, the court passed the following:

P.B.SURESH KUMAR, J.

W.P.(C)No.24937 of 2020

Dated this the 15th day of December, 2020

ORDER

Admit.

Government Pleader takes notice for respondents 1, 4, 5 and 7. Standing Counsel takes notice for the sixth respondent. Issue notice by speed post to respondents 2, 3, 8, 9 and 10.

I.A.No.4 of 2020

Allowed.

I.A.No.3 of 2020



In the light of Ext.P2 order of the Government dated 27.11.2019, Ext.P8 order passed by this Court in W.P.(C)No.19998 of 2020 and the report of the Advocate Commissioner filed in this matter, I deem it appropriate to pass an interim order directing the fifth respondent to take

appropriate measures to prohibit the activities of respondents 8 and 9. The fifth respondent shall also ensure that respondents 8 and 9 do not make use of the plastic coated articles for any purpose.

Sd/- P.B.SURESH KUMAR, JUDGE

/true copy/


ASSISTANT REGISTRAR

rkj

15.12.20

16/12/20
D.S

IA.3/2020 IN WP(C) No.24937/2020(N)

Exhibit P2:- True copy of the notification issued by the Government as GO (MS) No.6/2019/ENVT dated 27.11.2019.

Exhibit P8:- True copies of the interim order dated 25.09.2020 passed in WP(C)19998/2020.