

**HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD**

**MAIN CASE No: W.P.No.19639 OF 2022**

**PROCEEDING SHEET**

<b>S. No.</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
09.	25.09.2023	<p><b><u>CJ &amp; NVSK, J</u></b></p> <p style="text-align: center;"><b><u>W.P.No.19639 OF 2022</u></b></p> <p>Mr. B.Venkateswar Rao, learned counsel representing Mr. M.V.Durga Prasad, learned counsel for the petitioners.</p> <p>Mr. Harender Pershad, learned Special Government Pleader for the State.</p> <p>Mr. V.Narasimha Goud, learned Standing Counsel for respondent No.4.</p> <p>Mr. K.Ravinder Reddy, learned Standing Counsel for respondent No.5.</p> <p>In this writ petition, the petitioners which claim to be an Association of Idol makers in the State of Telangana have assailed the validity of Clause 2.0 of the Revised Guidelines for Idol Immersion issued by Central Pollution Control Board which bans the making of Plaster of Paris idols as well as its immersion completely. The challenge to the aforesaid guidelines is made by the petitioners on the ground that the same violates the fundamental rights of the members of the petitioner association guaranteed to them under Articles 14, 19,</p>	<p>Transferred to i/o folder, before corrections, if any.</p>

21, 25 and 300-A of the Constitution of India. It is pertinent to note that similar challenge was made before the Division Bench of Bombay High Court in **Ajay Sadashiv Vaishampayan v. Union of India** (W.P.No.7015 of 2022) and a Division Bench of Bombay High Court has repelled the challenge by an order dated 27.06.2022.

It is pertinent to note that recently a Division Bench of Madras High Court by an order dated 17.09.2023 passed in CMP.No.12428 of 2023 *inter alia* held that a person has no right to make an idol of Plaster of Paris and granted an interim order against manufacture, selling and immersion of idols made of Plaster of Paris or plastic in adherence to the revised guidelines. Against the aforesaid interim order, a Special Leave Petition was preferred before Hon'ble Supreme Court which has been dismissed by a Three-Judge Bench of Hon'ble Supreme Court *vide* order dated 18.09.2023 passed in S.L.P(Civil).No.38492 of 2023.

It is pertinent to note that in the year 2021, a Bench of this Court passed an order dated 09.09.2021 in Contempt Case (SR).No.3139 of 2014, by which the contempt case was closed. The aforesaid

order was assailed before the Hon'ble Supreme Court in S.L.P(Civil).No.21921 of 221. In the aforesaid order, a statement was made on behalf of the State Government, which reads as under:

“During the course of hearing, learned Solicitor General submits that immersion of POP idols would be banned from the next year in the light of the guidelines issued by the State Pollution Control Board. However, he submits that, for this year, the Greater Hyderabad Municipal Corporation (GHMC) may be granted exemption, as there is paucity of time for preparing new plans, the arrangements for the festival having been made long back.

Learned Solicitor General assures the Court that all steps to minimize pollution to the Hussain Sagar Lake will be taken and modernized cranes are being deployed at the immersion sites and on the idols being immersed, they will be lifted soon after and transported to the solid waste dumping sites for recycling purposes.

In view of the undertaking given by the learned Solicitor General that in future the state

would not allow immersion of the idols in the Hussain Sagar lake, as a last chance, we permit immersion of idols in the said Lake only for this year.”

It is obvious that the undertaking furnished on behalf of the State Government before the Hon’ble Supreme Court binds the State Government. The immersion of Ganesh Idols is scheduled to take place on 28.09.2023. Therefore, it is directed that the State Government shall ensure that no Idols made by Plaster of Paris are immersed in either Hussain Sagar lake or any of the water bodies in the city of Hyderabad. The Commissioner of Police is directed to ensure that the immersion of the Idols made of Plaster of Paris takes place in baby ponds created by GHMC only.

Mr. Harender Pershad, learned Special Government Pleader assures this Court that the direction issued by this Court shall be communicated to the authorities and he shall emphasize on the authorities the need to follow the directions contained in the order meticulously.

Copy of the order passed today be made available to Mr. Harender Pershad,

learned Special Government Pleader immediately to enable him to communicate the order to the concerned authorities.

Mr. Harender Pershad shall file a compliance report before this Court on or before next date of hearing.

However, learned counsel for the petitioners prays for adjournment on the ground that he was served with the copy of the counter filed on behalf of the respondents only on 22.09.2023.

Three (03) weeks' time is granted to learned counsel for the petitioners to enable him to file reply.

List after three (03) weeks.

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**CJ (AAJ)**

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**NVSK, J**

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