



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF AUGUST, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT PETITION NO. 24118 OF 2025 (GM-POL)

BETWEEN:

1. THE KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARA BHAVAN
NO.49, CHURCH STREET
BENGALURU - 560001
REPRESENTED BY
ADMINISTRATIVE OFFICER
K V SHIVAKUMAR
S/O LATE R VEERANNA
AGED ABOUT 51 YEARS

...PETITIONER

(BY SRI. MAHESH. A. CHOWDHARY.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO
URBAN DEVELOPMENT DEPARTMENT
MS BUILDING
BANGALORE - 560001.
2. THE DEPUTY COMMISSIONER
BANGALORE URBAN
KANDAYA BHAVAN,





K G ROAD,
BANGALORE - 560 001.

3. THE TAHSILDAR
BANGALORE SOUTH TALUK
BANGALORE URBAN DISTRICT
KANDAYA BHAVAN, K G ROAD,
BANGALORE - 560001.
4. THE PROJECT DEVELOPMENT OFFICER
KUMBALGODU GRAM PANCHAYAT
BANGALORE SOUTH TALUK,
BANGALORE URBAN DISTRICT,
BANGALORE - 560074
5. THE SUPERINTENDENT OF POLICE
POLICE BHAVAN
RAMANAGARA DISTRICT
RAMNAGARA - 500009
6. SRI M SRIDHAR
AGED MAJOR,
S/O SRI MUNI NANJAPPA
R/AT NO.5, CORPORATION MARKET
R.V.ROAD, V.V.PURAM
BENGALURU - 560004.
7. SRI SRINIVAS
AGED MAJOR,
R/AT NO.5, CORPORATION MARKET
R.V.ROAD, V.V.PURAM
BENGALURU - 560004.

...RESPONDENTS

(BY SMT. NILOUFER AKBAR.,AGA FOR R1,R2,R3 & R5)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA PRAYING TO a) ISSUE A WRIT OF MANDAMUS OR ANY DIRECTION TO RESPONDENT NOS.2 TO 5 TO IMPLEMENT THE NOTIFICATION DATED 15/09/2023 VIDE ANNEXURE-E ISSUED BY RESPONDENT NO.1 & ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C M JOSHI

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU,CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia* praying as under:

"a) Issue a Writ of Mandamus or any direction to Respondent Nos.2 to 5 to implement the Notification dated 15.09.2023 vide Annexure-E issued by Respondent No.1 in the interest of justice and equity.

b) Consequently, issue a Writ of mandamus to direct the said Respondents to consider and take appropriate action on the representation submitted by the Petitioner dated 15.07.2025 and 25.07.2025 vide Annexure - A, A1 to A2 in accordance with the notification dated



HC-KAR

15.09.2023 law and within a time frame of 2 weeks;

c) Grant such other relief as circumstances and contingencies may permit, in the interest of justice and equity.

2. The learned counsel appearing for the petitioner states that there is a serious issue regarding disposal of idols made of Plaster of Paris [**POP**], in water bodies. He submits that immersion of such idols, which are painted with hazardous oil based paints, contain toxic heavy metals, which result in irreversible pollution of water bodies. He contends that the same violates Article 21 of the Constitution of India.

3. The learned counsel submits that an inspection was conducted in Gudimavu Village, Kumbalagodu Hobli, Bangalore South Taluk, identifying certain manufacturing units, which were carrying on the activities in violation of the order dated 20.07.2016 issued by the petitioner under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 [hereafter referred to as '**the Water Act**']. The said order dated 20.07.2016 prohibits immersion and discharge of POP coloured idols / structures in water bodies, to prevent pollution. Following the said order, the State Government had issued a notification dated 15.09.2023



HC-KAR

prohibiting the manufacture, sale and immersion of POP structures and also directing the district administration, local bodies and police department to co-operate for the enforcement of the said order. The operative part of the Government Order No.FEE 134 ENG 2023 Bangalore, dated 10.09.2023, as set out in the said notification, reads as under:

"In view of the above, in order to protect the sea or ocean and other water sources of the State such as rivers, streams, canals, wells within our State jurisdiction from being polluted, the manufacture, sale and disposal of any idols made of plaster of Paris decorated with heavy metal-containing chemical paint and any other idols decorated with heavy metal-containing chemical paint and their disposal in any water source mentioned above is hereby completely prohibited throughout the State.

All the district administrations, local bodies and police departments of the State shall extend all possible cooperation, partnership and appropriate protection to the officers of the Karnataka State Pollution Control Board for the implementation of this order.



HC-KAR

This direction is issued in exercise of the powers delegated by the Central Government to the State Government under Section 5 of the Environment Protection Act, 1986 vide Notification No. S.O.152(E) dated 10.02.1988 of the Ministry of Environment and Forests, Government of India.

This direction shall come into force with immediate effect and in case of non-compliance, the penal provisions of the Central Government's Environment (Protection) Act, 1986 shall apply."

4. It is the petitioner's grievance that the said order has not been complied with. The petitioner also alleges that respondent Nos. 6 and 7 were carrying on the illegal manufacturing of idols from their units, which have since been sealed. However, they have surreptitiously removed idols and structures from the said units.

5. On a pointed query, whether it is the petitioner's case that the State Authorities are not implementing the aforesaid notification dated 10.09.2023; the learned counsel fairly states that he is not in a position to make a statement that the State authorities are not implementing the directions as set out in the aforementioned notification. He however submits that despite the State authorities



HC-KAR

**NC: 2025:KHC:31440-DB
WP No. 24118 of 2025**

making endeavours to implement the same, persons such as respondent Nos. 6 and 7 are successfully evading the rigors of the notification and are continuing to flood the market with POP idols.

6. Ms. Niloufer Akbar, learned AGA appearing for the State submits that an FIR has already been lodged against respondent nos. 6 and 7 and necessary action in accordance with law would be taken.

7. We do not consider it apposite to pass any order in this petition as the Government order has already been passed and the same requires to be implemented. Indisputably, the issue raised is a serious one and we expect that the State Authority shall implement the notification with all seriousness and to its full extent.

8. The petition is disposed of with the aforesaid observations.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C M JOSHI)
JUDGE**

KS
List No.: 1 Sl No.: 5