

**HIGH COURT FOR THE STATE OF TELANGANA]
AT HYDERABAD**

THURSDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

:PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

W.P.(PIL) NO: 271 OF 2020

Between:

P. Indra Prakash, S/o. Late Siddi Malleshham, Aged: 57 Years, Occ: Advocate, R/o. Flat No 401 Chayamina Apartments Beside D.Pulla Reddy Sweet A.S. Raju Nagar, Kukatpally, Hyderabad Ph. 9888171756 PAN No. AAQBP7007E Aadhaar No. 653697060343 E-mail. pip_law_chambers@yahoo.com

....Petitioner

AND

1. The State of Telangana, Rep by Chief Secretary Secretariat, Hyderabad.
2. The State of Telangana, Rep by Principal Secretary Department of General Administration, Secretariat, Hyderabad.
3. The State of Telangana, Rep by Principal Secretary Department of Home, Secretariat, Hyderabad.
4. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.

....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or direction or writ, in the nature of Mandamus duly declaring the action of the respondents in not enforcing the ban of sale and use of crackers during November 10 to 30 for Diwali Festival across State of Telangana as it was done by the several other states in India due to prevailing Covid Pandemic condition for the sake of people being illegal and arbitrary against the principles of natural justice and violative of the provisions under article 300A of the Constitution of India and consequently direct the respondents to forthwith to ban of sale and use of Crackers during November 10 to 30 keeping in mind of Health conditions due to Prevailing Covid 19 across State of Telangana.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to pass an order direct the respondents to forthwith to ban of sale and use of Crackers during November 10 to 30 keeping in mind of Health conditions due to Prevailing Covid 19 across the State of Telangana by considering the petitioner representation pending disposal of the WP(PIL).No.271 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.Indra Prakash, Party in Person, and Mr.B.S.Prasad, Advocate General for Respondents 1 to 4, the Court made the following.

ORDER

The present writ petition (Public Interest Litigation) has been filed by the petitioner-in-person, Mr. P. Indra Prakash, for seeking the relief that the Government should be directed to ban the sale and use of firecrackers (fireworks) by the people during the Diwali festival.

Mr. P. Indra Prakash, petitioner in person, submits that, presently the State is facing the Corona Virus pandemic. According to the medical literature, the Corona Virus adversely affects the lungs of the patients, besides adversely affecting the other organ system of the body. Due to the infection of the lungs, the patients find it extremely difficult to breathe normally and to survive. According to the petitioner-in-person, the firecrackers and fireworks are known to pollute the quality of the air. Since the winter season is setting in, the pollution created by the fireworks tends to hang in air, thereby jeopardizing the lives of many and, especially, of the patients who are suffering from Corona Virus. Therefore, the petitioner-in-person prays that the Government should be directed to ban the use of fireworks (firecrackers) by the people at large.

Mr. B. S. Prasad, the learned Advocate General, submits that so far the Government has not taken any policy decision for banning the use of firecrackers during the Diwali festival. The Government merely hopes that people will continue to observe the safety precautions for COVID-19.

It is, indeed, trite to state that, presently, the Nation and the State are struggling with the COVID-19 pandemic. In fact, according to many, the second wave of COVID-19 has already commenced. It is common knowledge that COVID-19 adversely affects the respiratory system. Moreover, the use of fireworks adversely affects the air quality. Considering these two factors, the State of Rajasthan has already banned the use of fireworks during the Diwali season. Moreover, even other High Courts have banned the use of fireworks in their respective States.

Much as the festivals may be important and may serve social purpose, nonetheless, the lives of the people are the most important. It is the bounden duty of the State to ensure that the lives of the people are protected and promoted in a meaningful way. Since the Government has not declared any ban on the use of fireworks so far, but considering the fact that the lives of the people need to be protected, considering the fact that uncontrolled and untrammelled use of fireworks may jeopardize the lives of many, this Court directs the State to immediately ban the sale and use of fireworks by the people and by organizations. This Court further directs the State to immediately clampdown and close the shops which are selling fireworks throughout the State. The State is further directed to issue an appeal to the people, both through the print, press and the electronic media, to refrain from bursting firecrackers, so as to prevent any further deterioration in the air quality. The steps taken by the State in implementing these directions shall be informed to this Court on 19.11.2020.

List this case on 19.11.2020.

//TRUE COPY//

Sd/- LNAGA LAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Chief Secretary, State of Telangana, Secretariat, Hyderabad.
2. The Principal Secretary Department of General Administration, State of Telangana, Secretariat, Hyderabad.

3. The Principal Secretary Department of Home, State of Telangana, Secretariat, Hyderabad.
4. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad. **(RR-1 to 4 by Special Messenger)**
5. One CC to Mr.P.Indra Prakash, Party in Person
6. Two CCs to Advocate General, High Court for the State of Telangana, at Hyderabad (OUT) (By Special Messenger)
7. One spare copy



HIGH COURT

HCJ & BVR.J

DATED; 12.11.2020

NOTE: LIST THIS CASE ON 19.11.2020

WP.(PIL).NO.271 OF 2020

DIRECTION

