

ITEM NO.6

Court 6 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.1473/2020

MADAN MOHAN MANOCHA

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD (CPCB) & ANR.

Respondent(s)

(With appln.(s) for IA No.135652/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.135649/2020-APPROPRIATE ORDERS/DIRECTIONS)

Date : 01-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

UPON hearing the petitioner in person the Court made the following
O R D E R

1 Invoking the jurisdiction under Article 32 of the Constitution, the petitioner, who appears in person, has sought the following reliefs:

"a) ...a Writ of mandamus or any other writ/order directing the respondents to submit the robust research evidence based outcomes supported by necessary Test and Trails (sic) of Vehicular Mask validating petitioner claims as proposed in the idea from any govt. or privately owned laboratory of their preference and choice.

- b) Subsequently if the outcomes of Test and Trail(sic) and the robust research based evidence are found positive, correct, supportive and helpful to curb air pollution, direction may be issued to concerned Authorities/Ministries etc. to make it mandatory for all vehicles plying on the presently and forthcoming automobiles to incorporate provision to support, mount or affix these Vehicular Mask as early as possible.
 - c) If the outcome/findings delivered by CPCB/DST or any other government or privately owned laboratories are positive and convincing then the petitioner should be given permission to add more Respondents/Parties and to amend the petition accordingly.”
- 2 Whether a particular device should be adopted for controlling air pollution is a matter of policy which lies within the domain of the statutory authorities concerned. This Court would not be justified in entertaining a petition under Article 32 of the Constitution. The petitioner may pursue appropriate remedies in the form of representation before the competent authorities. This, however, will not give rise any cause of action under Article 32 of the Constitution.
- 3 The Writ Petition is dismissed.
- 4 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master