



W.P.No.15120 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2026

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CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

[Through Video Conferencing]

W.P.No.15120 of 2019

and

W.M.P.Nos.15112 of 2019 and 8422 of 2024

W.P.No.15120 of 2019

G.Subramania Koushik

... Petitioner (s)

Vs.

1. The Principal Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat,
Fort St. George,
Chennai - 600 009 and 31 others

... Respondent(s)

W.M.P.No.15112 of 2019

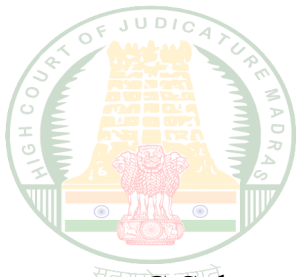
G.Subramania Koushik

... Petitioner (s)

Vs

- 1.The Principal Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai 600 009 and 30 others

... Respondent(s)



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W.M.P.No.8422 of 2024

G.Subramania Koushik

... Petitioner (s)

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Vs

1.The Principal Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St.George,
Chennai 600 009 and 15 others

... Respondent(s)

For Petitioner :

Mr.T.V.Suresh Kumar
M/s. Genicon & Associates;
Mr.R.Krishnaswamy in W.M.P.No.2806 of 2026

For Respondent(s):

Dr.T.Seenivasan,
Special Government Pleader (Forests),
for RR1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 and 30
Mrs.A.Sri Jeyanthi for R4
Mr.R.Srinivas,
Senior Counsel for Mr.K.Madhan for R12
Mr.V.Chandrasekaran, Senior Panel Counsel
for RR15, 28, 29, 32
Mr.B.N.Suchindran,
Standing Counsel for TNPCB for R16
Mr.Madhan Babu for R17
Mr.R.S.Diwaagar, M/s.Vivrti Law for R18 and R20
Mr.N.Surya Senthil for R19
Mr.G.Prabhu for R21
Mr.R.Sathish Kumar for R22
Ms.Vanitha Bharghava for R23
Mr.Thriyambak J. Kannan for R24
Mr.Vinod Kumar for M/s.J.Sagav Associates for R25
Mr.Arun C.Mohan for R26
Mr.John Arokiadass for R27



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R31 - Mr.S.Muralidharan (P-I-P)

Mr.P.T.Ramkumar, Standing Counsel for Railways

Amici Curiae

1. Mr.C.Mohan, Advocate
2. Mr.T.Mohan, Senior Advocate
3. Mr.M.Santhanaraman, Advocate
4. Mr.Rahul Balaji, Advocate

ORDER

(A) Ban on single use plastic products / pet bottles:-

With reference to single-use packaging materials, the Pollution Control Board has filed the Minutes of the Meeting.

2. It is noted that certain proposals have been made. However, we are of the opinion that each market player should come up with their own viable alternatives, particularly, with regard to replacing the offending packaging materials with environmentally friendly options that do not pose a threat to wildlife or the environment. It is clarified that individual market players, either independently or through mutual arrangements, must develop solutions such as separate packaging units or alternative packaging for these areas. It is further made clear that it is the responsibility of the manufacturers to collect back the solid waste generated by



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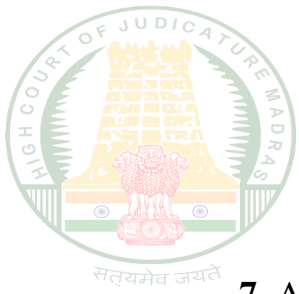
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3. The issue concerning the Western Ghats is unique, as it is a habitat for thousands of endangered species, and the spread of such materials throughout the forest is rampant. Stakeholders must take this into account that many consumers lack awareness or responsibility, resulting in waste being indiscriminately discarded in forest areas.

4. In view of the above, appropriate and concrete measures, even if incremental, must be implemented and reported. Alternatively, specific solutions must be presented at the next hearing. It is made clear that this Court will consider issuing further directions to address environmental degradation.

5. Mr.Bharadwaj, learned counsel submitted that there exists an authority within the FSSAI known as the Scientific Panel on Packaging (SP-20), which provides recommendations regarding packaging materials.

6. The FSSAI is already a respondent in this matter. Mr.Chandrashekar, learned counsel appearing on behalf of the FSSAI, is requested to obtain instructions from the said authority with regard to framing specific programs for eco-sensitive areas such as the Western Ghats.



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7. As far as Aavin is concerned, a detailed status report has been filed. It is stated therein that the guidelines issued by the Food Safety and Standards Authority of India (FSSAI) mandate that milk be packed in flexible plastic pouches made of polyethylene or polypropylene-based co-extruded multilayered material. Consequently, even for bulk purchases, Aavin is required to sell milk only in such pouches.

8. Reference is made to a Notification of the said Authority dated 24.12.2018. It is further stated that, upon conducting a survey among a sample group of customers, it was found that there is a general disinclination to procure milk in glass bottles, primarily on account of the higher cost involved. It is also submitted that, based on the advisory of the National Dairy Development Board, this uniform practice is being followed, and that Aavin has addressed a communication to the said Authority seeking further guidelines in this regard.

9. In this context, we deem it appropriate to reiterate that Aavin, being a leading milk supplier, is stated to be selling approximately 30 lakh litres of milk per day, packed in about 60,00,000 plastic sachets, which are ultimately released into the environment. The issue, therefore, requires consideration from the standpoint of the environmental burden caused. It is also to be noted that when the



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FSSAI and other authorities initially directed the adoption of polyethylene and polypropylene-based materials, no tests or studies appear to have been conducted with reference to the presence of microplastics in food products, their focus being limited to other parameters.

10. Subsequently, this Court has already taken note of the fact that food items packed in such polypropylene-based materials are susceptible to contamination by microplastics. Indeed, the very same Authority had submitted before us that further studies are being conducted to assess the extent of tolerability in humans. Research reports placed on record indicate adverse effects, including serious health concerns such as cancer and fertility-related issues. Directions have already been issued by this Court in that regard.

11. Mr.Rahul Balaji, learned *Amicus Curiae*, draws attention to the Advisory dated 19.11.2025, issued by the Food Safety and Standards Authority of India (FSSAI), wherein it has been stated as follows:-

"4. In view of the above, to ensure food safety, consumer confidence and interests, transparency and to encourage participatory food safety culture all dairy manufacturers who are involved in sale of milk/milk products through vending/kiosk machine are directed to keep or make available; FSSAI-approved/validated rapid test kits at the vending/kiosk location for basic detection of common adulterants in milk/milk products. (link for FSSAI approved Rapid Analytical Food Testing kits <https://www.fssai.gov.in/cms/raft.php>)"



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12. The learned *Amicus Curiae* draws attention to the following provisions of the Food Safety and Standards (Packaging) Regulations, 2018:-

"3. General Requirements.-

.....

(2) Any material which comes in direct contact with food or likely to come in contact with food used for packaging, preparation, storing, wrapping, transportation and sale or service of food shall be of food grade quality.

.....

(8) Plastic containers of capacity 5 litre and above and Glass bottles, which are reused for packaging of food, shall be suitably durable, easy to clean or disinfect.

4. Specific Requirements for Primary food packaging.-

....

(2) Glass containers intended to come in contact with food products-

(a) As far as possible, they shall be free from blisters, mould marks, stones and chippings and as far as possible shall be free from cords, seeds and other visible defects.

(b) They shall have a smooth surface without cracks, pinholes and sharp edges.

(c) The sealing surface shall be free from hairline cracks and prominent seam marks."

13. The learned *Amicus Curiae* also draws the attention to Schedule IV of the said Regulations titled "List of Suggestive Packaging Materials" under Serial No.1, it has been stated as follows:-

Sl.No.	Product Category	Types of Packaging materials
1.	Milk and milk products	Glass bottle with metal caps or plastic (polypropylene (PP) or High-density polyethylene (HDPE)) caps.



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14. As far as the guidelines issued by the Food Safety and Standards Authority of India (FSSAI) are concerned, the Notification dated 24.12.2018, as well as any other directives issued by the National Dairy Development Board, shall be placed before this Court along with the next status report.

15. Now, adverting to the issue of survey and milk distribution, the following directions are issued:

(i) Aavin shall conduct a survey and submit a report before this Court indicating the percentage of milk supplied to bulk consumers, such as restaurants, tea shops, and other establishments, as compared to retail individual households.

(ii) Aavin shall also explore the feasibility of re-establishing milk booths, as was done earlier, whereby milk from large storage tanks is dispensed through automated dispensers. Such dispensing may be facilitated through the use of punch cards, coins, tokens, or similar mechanisms, enabling consumers to collect Aavin milk by bringing their own vessels. Aavin shall consider installing such booths, as far as practicable, in densely populated residential areas and other feasible locations.

(iii) As a pilot project, the above scheme shall initially be implemented in selected areas in the Nilgiris and Kodaikanal. The pilot project shall be commenced and completed within a period of eight weeks from today, and the



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booths shall be established in such a manner as to enable monitoring of their functioning. Based on the experience gained, further orders shall be passed by this Court.

16. Call the matter on **05.06.2026**.

(B) Carrying Capacity / E-Pass:-

With reference to the E-pass carrying capacity, the submission made by the learned Special Government Pleader that the E-pass system is being strictly implemented is recorded.

2. Upon perusal of the interim report and the reports submitted by the Experts, the learned *Amicus Curiae* has filed a memo detailing the proposed directions, including interim measures. The learned Special Government Pleader is requested to obtain instructions and file a status report with reference to the measures suggested by the learned *Amicus Curiae*.

3. Let the Memo also be shared with the respective Expert bodies, and their views be ascertained. It is stated in the status report that the respondents are in the process of improving the software to implement this Court's directions with regard to multi-day E-passes, which must automatically be taken into account for

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subsequent days.

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4. Let the process be completed, including the software updation, and let the matter be reported before this Court at the next hearing.

5. Call this matter on **10.04.2026**.

[N.S.K., J.] [D.B.C., J.]
27.03.2026

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To

1. The Principal Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
The Nilgiris District,
Collectorate, Ooty – 643 001.
3. The Commissioner,
Udhagamandalam Municipality,
Ooty,
The Nilgiris District.
4. The Commissioner,
Coonoor Municipality,
Coonoor,
The Nilgiris District.
5. The Commissioner,
Gudalur Municipality,

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Gudalur,
The Nilgiris District.

6. The Commissioner,
Kotagiri Town Panchayath,
Kotagiri,
The Nilgiris District.

7. The Field Director,
Mudumalai Tiger Reserve,
Mount Stuart Hill,
Ooty, The Nilgiris.

8. The District Forest Officer
The Nilgiris District,
Mount Stuart Hill,
Ooty – 643 001.

9. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

10. The Principal Secretary to Government,
Transports Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

11. The Transport Commissioner,
Government of Tamil Nadu,
Commissionerate of Transport and Road Safety,
Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai – 600 005.

12. The Principal Secretary,
Department of Municipal Administration,
Urban and Water Supply, Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.



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13. The Additional Chief Secretary,
Department of Tourism,
Culture and Religious Endowments Department,
Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai – 600 009.
14. The Secretary to the Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street, New Delhi – 110 001.
15. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy, Chennai – 600 032.
16. The Tamil Nadu Co-operative Milk Producers
Federation Limited, (AAVIN),
AAVIN ILLAM, TCMPPF Ltd.,
3A, Pasumpon Muthuramalingar Salai,
Nandanam, Chennai – 600 035.
17. The Secretary to Government,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan, New Delhi – 110 003.
18. The Secretary to Government,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran
Bhawan, Jorbagh Road, New Delhi – 110 003.
19. The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu, Fort St. George,
Chennai – 600 009.
20. The Chairperson,
Food Safety and Standards Authority of India (FSSAI)
3rd and 4th Floor, FDA Bhawan,
Kotla Road near Bal Bhawan,
New Delhi – 110 002.



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N.SATHISH KUMAR. J.

AND

D. BHARATHA CHAKRAVARTHY. J.

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