

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWELVE

PRESENT:

THE HON'BLE SRI PINAKI CHANDRA GHOSE, THE ACTING CHIEF JUSTICE
AND

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

PIL NO:335 of 2012

Between:

Doctors For You Through Co-ordinator,
Dr. Vaibhav Aulak, Flat 102 D Block, Staff Qtrs, MNR Medical College and
Hospital, Fasalwadi, Sangareddy, Medak, Andhra Pradesh.

..... Petitioner

AND

- 1 The Ministry of Health & Family Welfare, Nirman Bhawan, C-Wing,
New Delhi, 110001, Represented by its Secretary
- 2 The Food Safety and Standards Authority of India, FDA Bhawan, Near Bal
Bhavan, Kotla Road, New Delhi - 110002, Rep. by its Chairperson
- 3 The Government of Andhra Pradesh, Health and Family Welfare
Department, Secretariat, Hyderabad, Rep. by its Principal Secretary
- 4 The Food Safety Commissioner for A.P., Sultan Bazar, Koti, Health & Family
Welfare Department, Hyderabad
- 5 The A.P. State Anti-Tobacco Cell, Directorate of Health and Family Welfare
Services, Sultan Bazar, Koti, Hyderabad, Rep. by its Chairperson

..... Respondents

Public Interest Litigation Petition under Article 226 of the
Constitution of India praying that in the circumstances stated in the affidavit filed
herein, the High Court will be pleased to issue a Writ, Order or Direction, more
particularly one in the nature of "Writ of Mandamus" or any other direction
directing the Respondents to implement Regulation 2.3.4 of the FSS
Regulations and ban the manufacture, storage, sale and distribution of gutkha,
pan masala and all other forms of chewing tobacco containing Tobacco and
Nicotine as ingredients, by whatsoever name it is available in the market, as per
the Food Safety and Standards (Prohibition and Restrictions on Sales)
Regulations, 2011, in the interest of public health;

The petition coming on for hearing, upon perusing the Petition
and the affidavit filed herein and upon hearing the arguments of SRI
P. RADHIVE REDDY Advocate for the Petitioner, and of the learned
Government Pleader appearing on behalf of the Advocate General for the
respondents, the Court made the following:

ORDER:

Learned Government Pleader appearing on behalf of the Advocate
General submitted that steps have already been taken in the matter and
according to him, the sale of gutka and pan masala have already been
banned in the State. However, he will obtain necessary instructions in
the matter.

In view of that, after considering the submissions made before us, we
only direct that if not, already a notification has been issued by the
Andhra Pradesh State Government, the State Government may now