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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 23rd October, 2019

+ W.P.(C) 7066/2019

GAGAN KUMAR SINGHAL & ANR Petitioners

Through: Petitioners in person

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Dev. P. Bhardwaj, CGSC with
Mr. Jatin Teotia, Adv. for
respondent nos. 1 and 2
Mr. Jawahar Raja, ASC with Ms.
Kritika Bhandari, Adv. for
respondent nos. 3 and 4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

23.10.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This Public Interest Litigation (PIL) has been preferred with the following prayers:-

“a. issue a direction or order or writ including writ in the nature of mandamus or such other writ, or direction as may be necessary; directing the respondents to take steps for complete prohibition of sale of infringing packages of cigarettes and other tobacco products, which do not contains statutory/mandatory health warning, in consonance with Rules of Cigarettes and other

Tobacco Products (Packaging and Labelling Rules) 2008, as amended up to date in spirit of the Article 47 read with Article 21 of the Constitution of India.

b. issue a direction or order including writ in nature of mandamus or such other writ, order or direction may be necessary directing the respondents to strictly comply with the 2008 rules as amended up to date;

c. any other order(s) may kindly be please in the interest of justice and public at large.”

2. Having heard petitioners in person and counsel for the respondents and looking to the facts and circumstances of the case, it appears that the petitioners are in search of a total prohibition of the sale of infringing packages of cigarette and other tobacco products, which are being sold in violation of Rules of Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008.

3. Petitioners are unable to point out the specific instances that who is violating the law, rules and regulations enacted by the respondents. Unless and until, proper facts are pointed out to this Court, no order can be passed by this Court, in general, against the public at large.

4. Nonetheless, we hereby direct the respondents to initiate action, if any specific instance of violations of the aforesaid Rules, 2008 are brought to their notice, requisite action will be initiated in accordance with law, rules, regulations and Government policies as applicable to the facts of the case after adequate opportunity of being heard to the violators.

5. If any cigarette or tobacco products are being sold with infringing packages in violation of the aforesaid Rules, 2008 even if such products

are manufactured outside this country, action can always be initiated by the respondents in accordance with law, rules, regulations and Government policy, as applicable to the facts and circumstances of the case.

6. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

OCTOBER 23, 2019

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