



WEB COPY

WP No. 1550 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

WP No. 1550 of 2025

AND

WMP NO. 1782 OF 2025

Angel Impex

Rep By Its Proprietor, Mahesh Dialdas Kripalani

S/o.Dialdas No.1/1, Kanni Amman Kovil Street

Vanagaram, Chennai- 95

Petitioner(s)

Vs

The Tamil Nadu Food Safety And Drug

Administration Department

Food Safety Wing, The Food Safety Officer,

Villivakkam Block, Tiruvallur District.

Respondent(s)

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in Form -VA notice dated 20.12.2024 on the file of the Respondent , Seizing Unmanufactured Tobacco and sealing the godown, at No.1/1, Kanni Amman Kovil Street, Vanagaram, Chennai- 95 , quash the same.

For Petitioner(s): Mr.Vishnu
for Ms.Avinash Wadhwani

For Respondent(s): Mr. P.Kumaresan, Addl.Advocate General
assisted by Mr.E. Sundaram, Govt. Advocate

ORDER



This writ petition has been filed challenging the impugned notice dated 20.12.2024 issued by the respondents seizing the "Unmanufactured Tobacco" and sealing the godown.

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2. The issue involved in the present writ petition was considered in detail in the earlier order passed by this Court in W.P.No.29805 of 2024 dated 08.07.2025. The relevant portion of the order is extracted hereunder:

*26. In the light of the above discussions, this Court cannot interfere with the impugned Notification issued by the first respondent, which has been published in the Government Gazette on 23.5.2024. Such a Notification, which was set aside by the Division Bench of this Court in the case of **Jayavilas Tobacco Traders LLP**, has been stayed by the Hon'ble Apex Court vide interim order dated **25.4.2023**. The Hon'ble Apex Court also made it clear that in cases where the concerned aggrieved persons find that their acts or operations are not covered by the Notification issued by the Authority under Section 30(2)(a) of the Act, they can seek redressal before the appropriate forum. In view of the same, judicial discipline requires that this Court has to necessarily await the final judgment of the Hon'ble Apex Court on this issue.*



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27. It is relevant to take note of the regulatory that has been issued by the Food Safety and Standards Authority of India dated 09.1.2023. In this regulatory, the Commissioner of Food Safety & Drug Administration Department, Government of Tamil Nadu has been informed that an Expert Committee constituted under the Ministry of Health and Family Welfare is considering this issue regarding enforcement of tobacco/chewing tobacco under the Act and it was directed to withhold any further action regarding analysis/enforcement of tobacco or chewing tobacco until further orders in the matter. It is also informed before this Court that no opinion has been given by the Expert Committee so far. In view of the above regulatory - the intimation issued by the Director (Regulatory Compliance), Food Safety and Standards Authority of India, the Commissioner of Food Safety and Drug Administration Department of the Government of Tamil Nadu cannot proceed further to take any action regarding analysis/enforcement of tobacco or chewing tobacco.

28. In the light of the above, till a final decision is taken by the Expert Committee, wherever the unmanufactured tobacco is stored, sold or transported by the petitioner, the same shall not be interfered with by the respondents. However, if tobacco is mixed along with gutkha and pan masala, for which, there is a total ban, the same can be restricted, prohibited and seized and further action can be initiated.



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This interim arrangement has to continue till the larger issue is dealt with by the Hon'ble Apex Court and a final judgment is rendered and till the Expert Committee submits its report to the Ministry of Health and Family Welfare.

3. Learned Additional Advocate General appearing on behalf of the respondents submitted that in the case in hand, it is not a case of "Unmanufactured Tobacco" and the report that has been given by the Food Analysis Laboratory shows that the petitioner has added various ingredients to the tobacco and thereby it has been made as a chewable tobacco, which falls within the definition of the Food Safety and Standards Act, 2011.

4. In the considered opinion of this Court, the protection that was given in the earlier order dated 08.07.2025 made in W.P.No.29805 of 2024 is very clear. In no uncertain terms, this Court held that the protection will apply only for the 'Unmanufactured Tobacco' and for nothing added to the same. Hence, there is no ambiguity in the order and the petitioner will also be entitled only for that protection.

5. In the light of the above discussion, this Writ Petition is also disposed of in line with the order passed in W.P.No.29805 of 2024 dated 08.07.2025. No costs. Consequently, connected miscellaneous petition is closed.



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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KST

To

The Tamil Nadu Food Safety And Drug Administration Department
Food Safety Wing, The Food Safety Officer, Villivakkam Block, Tiruvallur
District.



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N.ANAND VENKATESH J.

KST

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