



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 22.08.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

and

W.M.P.Nos.7133, 7135, 7136, 9704, 9723, 12953, 12954, 12959 & 12962 of 2022

W.P.Nos.7124, 13690 & 13694 of 2022

M/s.S.M.Mohammed Ibrahim & Co. Pvt. Ltd.,
Kalaiman Tobacco Factory,
represented by its Director, M.Mohamed Ibrahim,
Post Box No.46, T.S.No.3854,
South 2nd Street,
Pudukottai - 622 001.
Pudukottai District.

... Petitioner in all W.Ps.

vs.

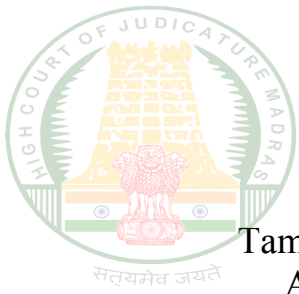
1.The State of Tamil Nadu,
represented by its
Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.The Commissioner of Food Safety and
Drug Administration,
Government of Tamil Nadu,
Teynampet, Chennai - 600 006.

3.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Food Safety Wing,
Pudukottai, Pudukottai District.

... R1 to R3 in all W.Ps.

4.The Designated Officer,



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

WEB COPY

Tamil Nadu Food Safety & Drug
Administration Department,
Food Safety Wing,
Dindugul, Dindugul District.

... R4 in W.P.Nos.7124 &
13690/2022

The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Food Safety Wing,
Salem, Salem District.

... R4 in W.P.No.13694/2022

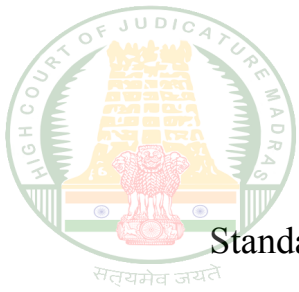
Prayer:

W.P.No.7124 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned notice issued by the second respondent dated 18.03.2022 in R.No.7460-4/2021/S9/FSSA and quash the same, consequently direct the second respondent to forward the sample of the petitioner's product to referral lab under section 46(4) of Food Safety and Standards Act, 2006 and Rule 2.4.6 of Food Safety Standard Rules, 2011.

W.P.No.13690 of 2022:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned notice issued by the second respondent dated 26.04.2022 in R.No.7460-4/2022/S9/FSD in confirming the order of the fourth respondent dated 03.03.2022 made in Na.Ka.No.189/2022 and quash the same, consequently direct the respondents 2 to 4 to forward the sample of the petitioner's product to referral lab under section 46(4) of Food Safety and Standards Act, 2006 and Rule 2.4.6 of Food Safety



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

Standard Rules, 2011.

WEB COPY

W.P.No.13694 of 2022:

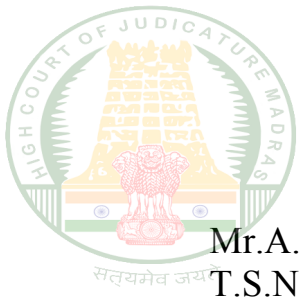
Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the fourth respondent dated 05.05.2022 wrongly dated as 05.04.2022, in R.No.995/FSSA/2021-22 and quash the same, consequently direct the respondents 2 to 4 to forward the sample of the petitioner's product to referral lab under section 46(4) of Food Safety and Standards Act, 2006 and Rule 2.4.6 of Food Safety Standard Rules, 2011.

For Petitioner	: Mr.M.R.Jothimanian
[in all W.Ps.]	
For Respondents	: Mr.P.Kumaresan,
[in all W.Ps.]	Additional Advocate General
	assisted by Mr.K.Tippu Sultan,
	Government Advocate

W.P.Nos.9996 & 10026 of 2022

Aasai Mark Tobacco Company, represented by its Thiru.Mubark, Proprietor, Rice Mill Road, Keezhkalpoondi Village, Thittakudi Taluk, Cuddalore District.	... Petitioner in W.P.No.9996/2022
---	---------------------------------------

Nizam Tobacco Factory
(A.M.Abdul Rahiman Rowther & Co.),
represented by its Managing Partner



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

Mr.A.R.Jinnah Mohammed
T.S.No.9952, Nizam New Building,
Bank of India Backside Road,
Nizam Colony,
Pudukkottai District - 622 001.

... Petitioner in
W.P.No.10026/2022

vs.

1.The Commissioner of Food Safety and
Drug Administration,
Department of Food Safety and Drug
Administration (Food Safety Division),
Health & Family Welfare Department,
Government of Tamil Nadu,
No.359, Anna Salai, Teynampet, Chennai - 600 006.

2.The Central Tobacco Research Institute,
CTRI Research Station,
Vedasandur, Dindigul - 624 710. ... Respondents 1 & 2 in both
petitions

3.The Designated Officer,
Office of the Designated Officer,
Department of Food Safety and Drug Administration,
Cuddalore. ... R3 in W.P.No.9996/2022

The Designated Officer,
Office of the Designated Officer,
Department of Food Safety and Drug Administration,
Pudukkottai - 622 001. ... R3 in W.P.No.10026/2022

Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to Emergency Prohibition Order No.R.No.2038/2022/S9/FSD dated 23.03.2022 and Emergency Prohibition Order No.Na.Ka.No.7460-1/2021/S9/FSSA dated 08.10.2021 issued by the first respondent respectively and quash the same as arbitrary and illegal.



WEB COPY



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

For Petitioners : Mr.Joseph Prabakar
[in both W.Ps.]

For Respondents : Mr.P.Kumaresan,
[in both W.Ps.] Additional Advocate General
assisted by Mr.K.Tippu Sultan,
Government Advocate

COMMON ORDER

W.P.No.7124 of 2022 has been filed challenging the impugned notice issued by the second respondent dated 18.03.2022.

2. W.P.Nos.9996 & 10026 of 2022 have been filed challenging the Emergency Prohibition Order passed by the first respondent dated 23.03.2022 & 08.10.2021 respectively.

3. W.P.No.13690 of 2022 has been filed challenging the impugned order issued by the second respondent dated 26.04.2022.

4. W.P.No.13694 of 2022 has been filed challenging the impugned order issued by the fourth respondent dated 05.05.2022.



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

5. The issue involved in these writ petitions was considered in

detail in the earlier order passed in W.P.No.29805 of 2024 dated

08.07.2025. The relevant portions are 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.

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,



WEB COPY



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

there is a total ban, the same can be restricted, prohibited and seized and further action can be initiated. 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."

6. In the considered view of this Court, the protection that was given in the earlier order dated 08.07.2025 in W.P.No.29805 of 2024 is very clear. In no uncertain terms, this Court has held that protection will be applied 'for the unmanufactured tobacco and for nothing added to the same' and in which case the protection will not continue. Hence, there is no ambiguity in the order and the petitioners will be entitled to protection to that extent.

In the light of the above discussion, all these writ petitions are disposed of in line with the earlier order passed on 08.07.2025 in W.P.No.29805 of 2024.

22.08.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

gm

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

Secretariat, Chennai - 600 009.

WEB COPY

2.The Commissioner of Food Safety and

Drug Administration,
Government of Tamil Nadu,
Teynampet, Chennai - 600 006.

3.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Food Safety Wing,
Pudukottai, Pudukottai District.

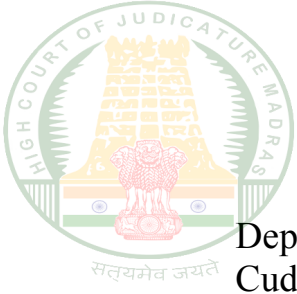
4.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Food Safety Wing,
Dindugul, Dindugul District.

5.The Designated Officer,
Tamil Nadu Food Safety & Drug
Administration Department,
Food Safety Wing,
Salem, Salem District.

6.The Commissioner of Food Safety and Drug Administration,
Department of Food Safety and Drug
Administration (Food Safety Division),
Health & Family Welfare Department,
Government of Tamil Nadu,
No.359, Anna Salai, Teynampet, Chennai - 600 006.

7.The Central Tobacco Research Institute,
CTRI Research Station,
Vedasandur, Dindigul - 624 710.

8.The Designated Officer,
Office of the Designated Officer,



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

Department of Food Safety and Drug Administration,
Cuddalore.

WEB COPY

9.The Designated Officer,
Office of the Designated Officer,
Department of Food Safety and Drug Administration,
Pudukkottai - 622 001.

N.ANAND VENKATESH, J

gm



WEB COPY



Writ Petition Nos.7124, 9996, 10026, 13690 & 13694 of 2022

Writ Petition Nos.7124, 9996, 10026,
13690 & 13694 of 2022

22.08.2025