



W.P(MD)No.31333 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31333 of 2025

Hajee K.P.Abdul Kareem & Co.,
Represented by its Managing Partner,
A.Abdul Salam,
Having registered office at
Pallivasal Street, Parambur,
Pudukkottai District – 622 501,
Tamil Nadu.

... Petitioner

Vs.

- 1.The Designated Officer,
Office of the Food Safety and
Drug Administration,
Old Hospital Road,
Pudukkottai – 622 001,
Tamil Nadu.
- 2.The Commissioner of Food Safety,
Food Safety and Standards Authority
of India (FSSAI),
DMS Campus,
Chennai – 600 005.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.09.2025 and permit the petitioner to carryout their business in peaceful manner without any hinders from trading the unmanufactured tobacco.

For Petitioner : Mr.A.K.H.M.Mohamed Abdul Rasiq

For Respondents : Mr.M.Gangatharan
Government Advocate

ORDER

Heard both sides.

2.The petitioner is dealing in unmanufactured tobacco. The grievance of the petitioner is that the respondents are interfering with his business. Hence, this writ petition has been filed to forbear the respondents from doing so.

3.My attention is drawn to the order dated 22.08.2025 made in W.P.No.7124 of 2022 (M/s.S.M.Mohammed Ibranim & Co. Pvt.Ltd., Vs The State of Tamil Nadu & Others) etc batch. A learned Judge of this Court dispose of the said writ petition in the following terms:



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“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



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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. This interim arrangement has to continue till the larger issue is dealt



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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."

Respectfully adopting the very same approach, this writ petition also disposed of on the same lines. No costs.

05.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To
1. The Designated Officer,
Office of the Food Safety and
Drug Administration,
Old Hospital Road,
Pudukkottai – 622 001, Tamil Nadu.



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G.R.SWAMINATHAN, J.

MGA

2.The Commissioner of Food Safety,
Food Safety and Standards Authority
of India (FSSAI),
DMS Campus,
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