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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev.Aplw.No.300 of 2026
CNR:{HCMA012818812026}
in W.P.No.45614 of 2026

Case QR

D.Rakesh
Son of K.Damodaran,
residing at No.23, 3rd Cross Street,
Duraisamy Nagar, Arasaradi,
Madurai-625016.

Applicant(s)

Vs

1. The Union of India
through Secretary, Ministry of Health
and Family Welfare, having his office
at Nirman Bhawan, New Delhi - 110011.

2.The State of Tamil Nadu,
rep by its Chief Secretary,
Secretariat, Chennai - 600 009.

3.The Food and Drug Administration,
Food Safety and Standards Authority of India,
having its office at 3rd and 4th Floor,
FDA Bhawan, Kotla Road, Near Bal Bhawan,
New Delhi - 110002.

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4.The Commissioner,
Food Safety and Drug Administration
Department, 359, Anna Salai,
Teynampet, Chennai - 600 009.

5.The Central Consumer Protection Authority,
Room No. 567-A, Krishi Bhavan,
New Delhi - 110 011.

6.P.B.Agro LLP
having its registered office at 57,
Second Floor, Main Ring Road
Lajpat Nagar-3, New Delhi - 110 024.

Respondent(s)

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code to review the order dated 11.11.2026 made in W.P.No.45614 of 2026.

For Applicant(s): Mr.Santhosh Paul,
Senior Counsel [Thru VC]
for Mr.P.Arul Gnana Prakash

For Respondent(s): Mr.V.Chandrasekaran,
Senior Panel Counsel
for R1, R3 and R5

Mr.M.Guruprasad,
State Government Pleader
for R2 and R4

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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

The applicant, who was original petitioner in the W.P.No.45614 of 2026 filed in public interest, seeks review of the order dated 11.11.2026 dismissing the writ petition at the admission stage along with accompanying miscellaneous application.

2. The review sought is essentially on the following grounds:

(a) That the statutory regime that makes pan masala advertising a restricted activity was not considered;

(b) That the finding that the "only documents" are news reports is contrary to the record; and

(c) That the principal case on Pan Masala was not considered separately from the caveat on tobacco under COTPA.

3. None of the grounds makes out even a prima facie case for review of the order dated 11.11.2026. All the contentions were carefully considered by the Court before passing the order dated

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11.11.2026 dismissing the public interest litigation.

4. It was not the case of the applicant that no commercial sale of the advertised product "*Elaichi*" is being carried out by the private respondent.

5. The advertisement annexed to the petition prominently reflected the product name "*Elaichi*" as well as the brand name "*Vimal*". It was not even the case of the Applicant that the product name "*Elaichi*" was not visible on the advertised packaging. Moreover, in the advertisement annexed, the words "*Pan Masala*" do not exist. No evidence of any advertisement of only brand name "*Vimal*", without product name "*Elaichi*", was brought on record.

6. Neither any transcript of any audio-visual advertisement campaign containing the spoken word "*Pan Masala*" or picture of product "*Pan Masala*" was brought on record, nor was any claim made regarding existence of any such ongoing advertisement campaign.

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7. No doubt, Section 24 of the Food Safety and Standards Act, 2006 regulates advertising of food products. It was stated in the written submissions as well as in the petition that such Pan Masala, though a food product, may be advertised only subject to statutory conditions of mandatory health warning as per Schedule II, paragraph 1(3) of the Food Safety and Standards (Labelling and Display) Regulations, 2020, and that reference was also made therein to Regulations 3 and 4 of the Food Safety and Standards (Advertising and Claims) Regulations, 2018. However, the applicant could not show an absolute prohibition on advertisement of "*Elaichi*" or "*Pan Masala*" (without tobacco or nicotine) under the said Act or any law whatsoever. However, it was not even a case of the Applicant that advertisement of Pan Masala not containing Tobacco or nicotine is absolutely prohibited under any statutory provision whatsoever. Even now this is not the case of the Applicant.

8. In absence of any prima facie evidence of any of the above basic and essential prerequisites, no prima facie case of surrogate advertisement was made out by the applicant to warrant further consideration of issuance of far-reaching directions sought in the

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petition.

9. No prima facie case is made out to infer that the advertisement of "*Elaichi*" was not truthful, was misleading and was non-compliant with applicable food regulations.

10. Even a constitutional Court cannot read in the statutory provisions what is not provided for, more so when the issue relates to prohibiting any commercial activity such as an advertisement campaign. Question of the Court directing authorities to charter such course does not arise.

11. The reasons for dismissal were recorded in the order passed in the writ petition, and the material annexed was adverted to and considered. The inherent power to review is only to prevent miscarriage of justice and to correct grave and palpable errors constituting a "sufficient reason" within Order XLVII Rule 1 of the Civil Procedure Code. No such prima facie case is made out even now. The application, thus, warrants dismissal.

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The Review Application is, accordingly, dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)

26.11.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. The Secretary, Union of India
   Ministry of Health and Family Welfare,
   having his office
   at Nirman Bhawan, New Delhi - 110011.

2. The Chief Secretary, State of Tamil Nadu,
   Secretariat, Chennai - 600 009.

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THE HON'BLE CHIEF JUSTICE
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