

GAHC020003272023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : WA/7/2023

PEOPLE FOR ANIMALS AND ANR
THROUGH ITS CHAIRPERSON (TRUSTEE) NAMELY MS. MANEKA
SANJAY GANDHI, HAVING ITS OFFICE AT A-4, MAHARANI BAGH,
NEW DELHI-110065

2: HUMANE SOCIETY INTERNATIONAL/ INDIA
THROUGH ITS MANAGING DIRECTOR MS. ALOKPARNA SENGUPTA
HAVING ITS REGISTERED OFFICE AT SHOP NO. 39
SHREEJI SHOPPING ARCADE
SETH GOPALJI
HEMRAJ SINGH COMPOUND
M.G.ROAD
BORIVALI (E)
MUMBAI-40006

VERSUS

NEIZEVOLIE KUOTSU ALIAS TONI KUOTSU AND 7 ORS
S/O KEVILAZO KUOTSO, R/O H.NO. 097, MIDDLE MIDLANE,
KOHIMA NAGALAND

2:ABEI ZATSU
RESIDENT OF LATE NEKUOSA ZATSU
RESIDENT OF T KHEL
KOHIMA VILLAGE
KOHIMA NAGALAND

3:KETOUNYUU
D/O LT. RUBEIHIE
R/O D. KHEL
KOHIMA VILLAGE
KOHIMA NAGALAND

4:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND KOHIMA

5:THE COMMISSIONER OF FOOD SAFETY
DEPT. OF FAMILY HEALTH AND WELFARE
GOVT. OF NAGALAND
NAGALAND CIVIL SECRETARIAT
KOHIMA NAGALAND

6:THE KOHIMA MUNICIPAL COUNCIL (KMC)
REPRESENTED BY ITS ADMINISTRATOR
GOVT. OF NAGALAND
KOHIMA NAGALAND

7:FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA (FSSAI)
UNDER MINISTRY OF HEALTH AND FAMILY WELFARE
THROUGH ITS CHAIRPERSON
FDA BHAWAN
KOTLA ROAD
NEW DELHI-110002

8:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE
GOVT. OF INDIA
ROOM NO. 348
A WING
NIRMAN BHAWAN
NEW DELHI-11001

Advocate for the Petitioner : PFOSEKHO PFOTTE, „MEDO VERO,ESHA
DUTTA,SHAALINI AGRAWAL (A-1),PINKY ANAND SR ADVOCATE

Advocate for the Respondent : L. IRALU, MEDO KIEWHUO,KHRIEZO KIRHA (R/ 1-3)

Linked Case : WA/12/2024

AKHIL BHARAT KRUSHI GO SEVA SANGH
A REGISTERED CHARITABLE TRUST
DULY REPRESENTED BY ITS MEMBER
SHRI HIREN D SHAH
AGED ABOUT 54
S/O SHRI DINESH CHANDRA SHAH
HAVING ITS REGISTRATION OFFICE
GOPURI WARDHA TAL.- WARDHA MAHARASHTRA-441001 AND

ALSO AT 101 SUNDER DHAM CO. OP. HSG. SOCIETY
JAMBLI GALI
BORIVALI (W) MUMBAI
MAHARASHTRA-400092
EMAIL- KRSAWBI@GMAIL.COM
M.NO. 9323908480

VERSUS

NEIZEVOLIE KUOTSU ALIAS TONI KUOTSU AND 9 ORS
S/O KEVILAZO KUOTSU
R/O H.NO. 097
MIDDLE MIDLANE
KOHIMA NAGALAND

2:ABEI ZATSU
S/O LATE NEKUOSA ZATSU
R/O T. KHEL
KOHIMA VILLAGE
KOHIMA NAGALAND

3:KETOUNYUU
D/O LATE RUBEIHIE
R/O D. KHEL
KOHIMA VILLAGE
KOHIMA NAGALAND

4:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND

5:THE COMMISSIONER OF FOOD SAFETY
DEPT. OF FAMILY HEALTH AND WELFARE
GOVT. OF NAGALAND
NAGALAND CIVIL SECRETARIAT
KOHIMA NAGALAND

6:THE KOHIMA MUNICIPAL COUNCIL (KMC)
REPRESENTED BY ITS ADMINISTRATOR
GOVT. OF NAGALAND
KOHIMA NAGALAND

7:FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA (FSSAI)
AN AUTONOMOUS BODY UNDER THE MINISTRY OF HEALTH AND
FAMILY WELFARE
THROUGH ITS CHAIRPERSON
FDA BHAWAN KOTLA ROAD NEW DELHI

8:THE UNION OF INDIA
REPRESENTYED BY THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE
GOVT. OF INDIA
ROOM NO. 348 A WING
NIRMAN BHAWAN
NEW DELHI-110011

9:PEOPLE FOR ANIMALS AND ANIMAL WELFARE ORGANISATION
HAVING ITS OFFICE AT A-4 MAHARANI BAGH
NEW DELHI-110065
REPRESENTED BY ITS CHAIRPERSON (TRUSTEE)
MS MANEKA SANJAY GANDHI

10:HUMAN SOCIETY INTERNATIONAL INDIA
REGISTERED OFFICE AT SHOP NO.39
SHREEJI SHOPPING ARCADE SETH GOPALJI
HEMRAJ SINGH COMPOUND
M.G. ROAD
BORIVALI
MUMBAI -400066
REPRESENTED BY ITS MANAGING DIRECTOR MS. ALOKPORNA
SENGUPTA

Advocate for : THUYEKHRULU
Advocate for : ALEZO KIRE appearing for NEIZEVOLIE KUOTSU ALIAS
TONI KUOTSU AND 9 ORS

BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

11.12.2024

(Manish Choudhury, J)

Heard Ms. Pinky Anand, learned senior counsel for the appellants in WA/7/2023, assisted by Mr. Pfosekho Pfoffe, and Mr. Manish Singhvi, learned senior counsel for the appellants in WA/12/2024, assisted by Ms. Thuyekhrulu. Also heard Mr. L. Iralu, learned counsel for respondent Nos. 1 to 3 in WA/7/2023, Mr. Alezo Kire, learned counsel for respondent

Nos. 1, 2 and 3 in WA/12/2024, Mr. Y.P. Gupta, learned Central Government Counsel for the respondent/Union of India and Mr. Imti Longjem, learned counsel for respondent No. 6 in both the appeals, as well as Ms. V. Suokhrie, learned Additional Advocate General, Nagaland, for the State respondents.

After having heard the learned senior counsel appearing for the appellants, we find that the matter would require further consideration. Both the appeals are, therefore, admitted for Hearing.

As all the parties are represented and as agreed to, list the appeals for Hearing on **22.01.2025**.

Ms. V. Suokhrie, learned Additional Advocate General, Nagaland, shall obtain instruction as to whether the Legislative Assembly of Nagaland has adopted the Food Safety and Standards Act, 2006 by way of a resolution in the context of Article 371A of the Constitution of India. Such instruction is to be placed on the next date of listing.

Mr. L. Iralu, learned counsel representing respondent Nos. 1, 2 and 3 in WA/7/2023 shall produce authenticated copies of the books, relied upon by the petitioners before the learned Single Judge, as referred to in paragraph No. 33 of the impugned judgment.

JUDGE

JUDGE

Comparing Assistant