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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

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THE HONOURABLE **Mr. JUSTICE N. ANAND VENKATESH**

W.P.No.22614 of 2025
and WMP Nos.25457 & 25460 of 2025

1.M/s.Jaiswal Products

Manufacturer of Hans Chhap Tobacco
Patparganj Industrial Area, Delhi-110 092.
Rep. by its Authorized Signatory Mr.Yakob

2.M/s.Murarilal Harish Chandra Jaiswal Pvt.Ltd

Manufacturer of Hans Chhap Tobacco
Patparganj Industrial Area, Delhi-110 092.
Represented by its Authorized Signatory Mr.Yakb

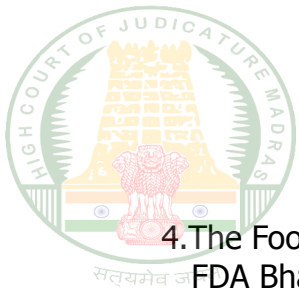
.. Petitioners

.Vs.

1.The Commissioner of Food Safety
and Drug Administration
359, Anna Salai
Chennai-6.

2.The Designated Officer
Deputy Director of Health Services Campus
Old District Board Building
Salem 636 001.

3.The Designated Officer
Food Safety & Drug Administration Dept.
DDHS Office Campus, No.54/1, Assori Street
Tiruvallur-602 001.



4.The Food Safety & Standards Authority of India (FSSAI)
FDA Bhawan, Kotta Road
New Delhi 110002.

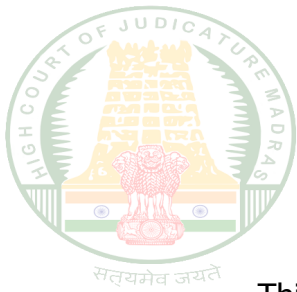
5.The Director General of Police
Post Box No.601, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the respondents 1 to 5 and the officials working under them from any way taking coercive steps and registering any cases in respect of the petitioners product more specifically HANSCHHAP TOBACCO in view of the final orders passed by the appellant authorities more specifically the Referral Food laboratories situated at Mysore and Pune in several instances and also Letter issued by the Food Authority of India, the 4th respondent dated 09.01.2023 to the 1st respondent Commissioner of Food Safety, Tamilnadu, directing to withhold any further action regarding analysis/enforcement of tobacco or chewing tobacco till further orders in the matter and pass.

For Petitioners	: Mr.D.Sai Kumaran
For Respondents	: Mr.P.Kumaresan Additional Advocate General Asst. by: Mr.K.Tippusultan Government Advocate for R1 to R3

Mr.S.Raghu
for R4



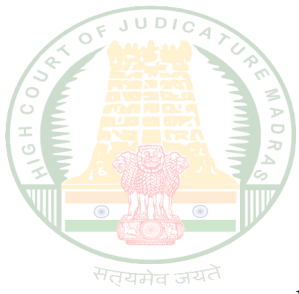
ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents 1 to 5 and the officials working under them from anyway taking coercive steps and registering cases in respect of the petitioner's product in view of the final orders passed by the appellate authorities.

2. When the writ petition came up for hearing on 24.06.2025, this Court passed the following order:

Mr.P.Kumaresan, learned Additional Advocate General assisted by Mr.K.Tippusultan, learned Government Advocate, takes notice for respondents 1 to 3.

2. When the earlier writ petition filed in W.P.No.28266 of 2021 was disposed of by order dated 05.08.2024, a direction was given to the second respondent to send the sample to the laboratory for the purpose of carrying out the analysis. On receipt of the report from the laboratory, the second respondent was directed to consider the same and pass orders after affording opportunity to the petitioner within a period of two weeks. Pursuant to this order, the laboratory has given their report dated 28.01.2025. The grievance of the petitioner is that the second respondent has not acted upon the same and till date, no orders were passed as was directed in the writ petition and in the mean time, they are taking coercive steps.



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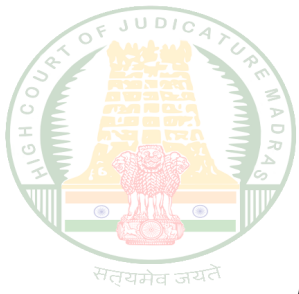
3. Learned Additional Advocate General appearing on behalf of respondents seeks for some time to take instructions in this case.

Post this writ petition under the caption 'for reporting compliance' on 15.07.2025. 24.06.202

3. When the writ petition was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submitted that the earlier orders passed by this Court has been complied with. On going through the same, it is seen that the 2nd respondent has come to a conclusion that the sample has been confirmed as TOBACCO and it is unsafe and prohibited and it is a banned product under the Food Safety and Standards Act, 2006 r/w the Government Gazette No. 257 dated 23.05.2021.

4. The learned counsel for the petitioners submitted that the order passed by the 2nd respondent is not sustainable since it goes against the earlier orders passed where it was held that TOBACCO cannot be categorized as 'food'.

5. It is not necessary for this Court to go into the question raised by the learned counsel for the petitioners since this question was considered in detail in WP.No.29805 of 2024 and this writ petition was disposed of on 08.07.2025, in the following terms:

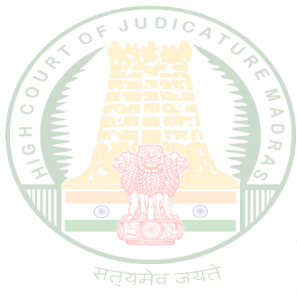


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26. In the light of the above discussions, this Court cannot interfere with the impugned Notification issued by the first respondent, which has been published in the Government Gazette on 23.5.2024. Such a Notification, which was set aside by the Division 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



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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 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.This writ petition can also be disposed of in the above terms. No costs.

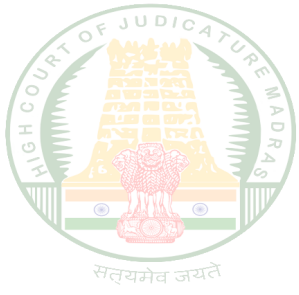
Consequently, the connected WMPs are closed.

22.07.2025

Index : Yes/No

Neutral Citation : Yes/No

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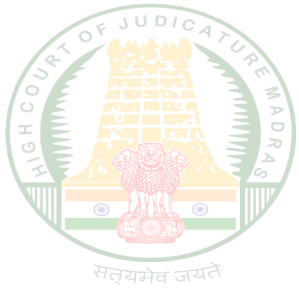
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To

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Post Box No.601, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

N. ANAND VENKATESH, J.

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