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SCA/4848/2009 2/2 ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 4848 of 2009****AMARSINH Z CHOUDHARI - Petitioner(s)****Versus****STATE OF GUJARAT & 6 - Respondent(s)****Appearance :**

MR VD PARGHI for Petitioner(s) : 1,
MR JK SHAH, AGP for Respondent(s) : 1 - 3.
MR HS MUNSHAW for Respondent(s) : 4 - 6.
MS ANUJA S NANAVATI for Respondent(s) : 7,

CORAM : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA**and****HONOURABLE MR.JUSTICE AKIL KURESHI****Date : 22/12/2010
ORAL ORDER****(Per : HONOURABLE THE CHIEF JUSTICE MR. S.J. MUKHOPADHAYA)**

This writ petition in the public interest has been preferred by the petitioner for a direction on the respondents to remove the advertisements of gutkha and/or pan masala displayed in the public conveyance i.e. Gujarat State Road Transport Corporation and Ahmedabad Municipal Services Buses.

2. When the case was taken up, the orders were passed from time to time and affidavits have been filed by the concerned respondents. It has been brought to the notice of this Court that the Supreme Court in Petition(s) for Special Leave to Appeal (Civil) No(s). 16308 of 2007 has already taken up the matter relating to gutkha, tobacco, pan masala, etc. and by interim order dated 7.12.2010 directed the respondent Nos. 3 to 15 of the said case and other manufactures of gutkha, tobacco, pan masala and restrained them from using plastic material in the sachets of gutkha,

tobacco and pan masala with effect from 1.3.2011. The respondent – Gujarat State Road Transport Corporation has taken a plea that the Corporation has also decided not to go for display of advertisements of gutkha or pan masala, but the counsel for the petitioner referred to the tender notice issued by the Ahmedabad Municipal Transport Service wherein sealed tenders have been invited from experienced firms for appointments as “Advertising Agent for State Agency” in/on Diesel/CNG conventional buses, etc. for the period from 1.5.2010 to 31.3.2013. However, from such advertisement, while it does not appear that the advertisement has been so issued for advertisement of gutkha, pan masala, from the tender papers, it is clear that beedies, gutkha, cigarette, etc. and other prohibited items have not been allowed to be advertised or displayed in such buses. In view of such specific prohibition of the advertisement shown in the tender form issued by the Ahmedabad Municipal Transport Service, no further order is required to be passed in this case. It is expected that gutkha, cigarette and other injurious items like pan masala, if made from the prohibited items, shall not be displayed either by the Ahmedabad Municipal Transport Service or the Gujarat State Road Transport Corporation.

3. The writ petition stands disposed of with the aforesaid observations, but there shall be no order of costs.

[S.J. MUKHOPADHAYA, CJ.]

[AKIL KURESHI, J.]

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