

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2012

C O R A M :

THE HONOURABLE MR.M.Y.EQBAL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE T.S.SIVAGNAM

W.P.No.26527 of 2012

and

M.P.No.1 of 2012

R.Arul

... Petitioner

-vs-

1.The Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St.George,  
Chennai-600 009.

2.The Director,  
Department of Public Health &  
Preventive Medicine,  
DMS Building, 359, Anna Salai,  
Teynampet, Chennai-600 006.

3.The State Nodal Officer,  
State Tobacco Control Cell,  
DMS Building, 359, Anna Salai,  
Teynampet, Chennai-600 006.

4.The Godfrey Phillips India Ltd.  
49, Community Centre,  
Friends Colony, New Delhi-110 025.

5.Ryder Auto Accessories,  
No.7/1B, 1<sup>st</sup> Floor, 3<sup>rd</sup> Cross,  
Sindhi Colony, J.C.Road,  
Bangalore-560 002.

6.Vega Auto Accessories Pvt.Ltd.  
Plot No.12-B, Sy. No.342,  
BEMCIEL Industrial Estate,  
Udyambag, Belgaum-590 00B,  
Karnataka, India.



7. Rainbow Lining Industries,  
640, Anna Salai, Chennai-600 006.

8. Pioneer Trading Company,  
642, Anna Salai, Chennai-600 006.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of mandamus as stated therein.

**For petitioner : Mr.K.Balu**

**For respondents : Mr.S.Venkatesh, GP**

**ORDER**

(Order of the Court was made by  
Hon'ble Chief Justice & T.S.Sivagnanam, J.)


Heard the learned counsel appearing for the parties. In this writ petition filed by way of public interest litigation, the petitioner seeks a mandamus directing respondents 1 to 3 to ban the sale of helmets with Marlboro logo and to ensure that no other products are sold under the guise of tobacco brand name in any form in Chennai as well as in the State of Tamil Nadu.

2. Today, the learned Government Pleader has submitted that notice under Sections 5 and 22 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, has already been issued to respondents 4 to 8. He has also produced before this Court a copy of the said notice, dated 03.8.2012, served on the concerned respondents.

3. In that view of the matter, no further direction need be issued in this writ petition, which is accordingly dismissed. However, the third respondent authority is directed to proceed with the notice and take appropriate action in accordance with law. Consequently, the connected miscellaneous petition is also dismissed. No costs.

Sd/-  
Deputy.Registrar.(J)

/true copy/

  
Sub Asst.Registrar.

By 0075006



to

**1. The Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St. George,  
Chennai-600 009.**

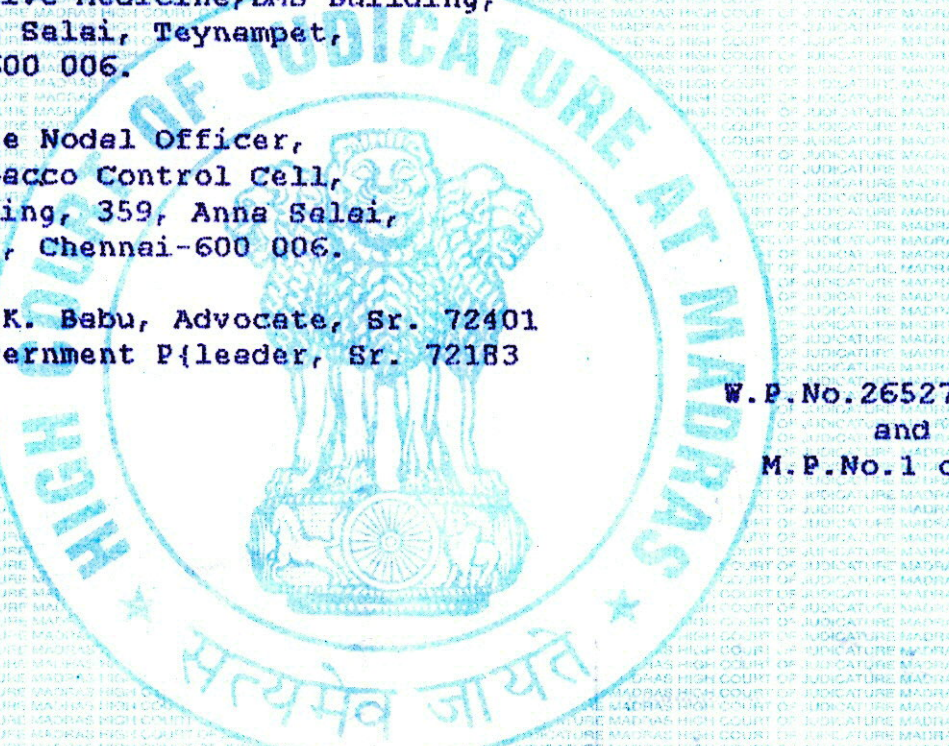
**2. The Director,  
Department of Public Health &  
Preventive Medicine, DMS Building,  
359, Anna Salai, Teynampet,  
Chennai-600 006.**

**3. The State Nodal Officer,  
State Tobacco Control Cell,  
DMS Building, 359, Anna Salai,  
Teynampet, Chennai-600 006.**

**1 cc to Mr.K. Babu, Advocate, Sr. 72401  
1 cc to Government P{leader, Sr. 72183**

**W.P.No.26527 of 2012  
and  
M.P.No.1 of 2012**

**KJI (CO)  
kk 5/12**



**By 0075007**





WP 26527 / 12

HIGH COURT OF JUDICATURE

MADRAS.

S R No. 72401

Carbon Copy application made 28/11/12 200/-

Application Returned.....200

Application Represented.....200

Copy made ready 12/12/12 200/-

Copy Delivered 14/12/12 200/-

Rn 14/12/12 14-12-2012

Section Officer  
Court Room 10