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21/7/15

Copy of Order Dated... 28/7/15

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR.

D.B. Civil Contempt Petition no. 800 /2015

In

D.B. Civil Writ Petition (Public Interest litigation) no.8680/2015

Rahul Joshi son of Shri Sita Ram Joshi, aged about 45 years, resident of 27,
Indira Nagar, Tonk Road, Jaipur.

.....Petitioner.

Versus

Shri Bhanu Pratap Sharma (IAS), Secretary, Ministry of Health and Family
Welfare, C Wing, Nirman Bhawan, Maulana Azad Road, New Delhi – 110 001.

.....Respondent Contemnor.

D.B. CIVIL CONTEMPT PETITON UNDER SECTION 12 OF THE
CONTEMPT OF COURTS ACT, 1971 READ WITH ARTICLE 215
OF THE CONSTITUTION OF INDIA FOR WILFUL
DISOBEDIENCE OF THE ORDER DATED 03.07.2015 PASSED
BY HON'BLE THE CHIEF JUSTICE, MR. SUNIL AMBWANI AND
HON'BLE MR. JUSTICE BANWARI LAL SHARMA IN D.B. CIVIL
WRIT PETITION (PUBLIC INTEREST LITIGATION)
NO.8680/2015 TITLED AS RAHUL JOSHI VS. UNION OF INDIA
AND OTHERS WHEREBY IN THE LARGER PUBLIC INTEREST,
THE HON'BLE COURT, STAYED THE OPERATION OF THE
CORRIGENDUM NOTIFIED BY THE CENTRAL GOVERNMENT
IN THE GAZETTE OF INDIA ON 26TH MARCH, 2015 BY WHICH,
SUB RULE (2) OF RULE 1 WAS SUBSTITUTED PROVIDING



श्री गौतम राज जैन
ऑथ ऑफ दिसप्लिनरी
जज न्यायालय पीठ,
जायपुर

GAUTAM RAJ JAIN
OATH OF DISCIPLINARY
RAJASTHAN

[Handwritten signature]

THAT THE RULES SHALL COME INTO FORCE ON SUCH DATE AS THE CENTRAL GOVERNMENT MAY, BY NOTIFICATION IN THE OFFICIAL GAZETTE, APPOINT.

To

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सही - अधिकारी
प्रशासनिक अधिकारी, आदित्य
राजस्थान राज्य सरकार, बीकानेर,
राजस्थान

(3)

D.B. CIVIL CONTEMPT PETITION NO.800/2015

DATE:28.07.2015

HON'BLE THE CHIEF JUSTICE MR. SUNIL AMBWANI
HON'BLE MR.JUSTICE VEERENDR SINGH SIRADHANA

Mr. Rohul Joshi, petitioner, present in person.
Mr. S.R. Joshi, for the petitioner.

Let notices be issued to the respondents. Steps may be taken within a week.

It is submitted that the interim order passed by this Court on 03.07.2015, has not been complied with by the respondents. As a result of the interim order, the Cigarette and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014, have immediately come into force. Despite interim orders, the cigarette manufacturing companies are still selling the cigarettes in the package, with the specified health warning in less than 85% of the principal display area of the package.


It is submitted that the interim order passed by this Court is neither ambiguous, nor requires any order for its enforcement, inasmuch as the orders/directions under Article 226 of the Constitution of India, do not require any execution. A writ of mandamus, even if it is interim in nature, must be complied with by all concerned.

We are informed that the main writ petition has been fixed for hearing on 17.08.2015.

This contempt petition will be tagged with the writ petition, to be listed on the same date.


(VEERENDR SINGH SIRADHANA), J.

/KKC/


(SUNIL AMBWANI), C.J.