

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6024 of 2013

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Rajat Industries Pvt. Ltd. through its authorized signatory Syed Zeyaul
Islam, son of Syed Arif Reza, resident of Vivek Nursing Home, 4th Floor,
G.T.Road, P.S. Golawari, District- Kolkata, West Bengal

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Food Safety Authority of
India, New Delhi

2. The Secretary, Ministry of Finance, Government of India, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 25-04-2013

Heard learned counsel for the petitioner and

learned Central Government Counsel.

From perusal of the prayer made in the writ
petition, various pleadings in the writ petition in so far as it
relates to that prayer, pleadings contained in the supplementary
affidavit and in I.A. No. 2721/2013 as also the submissions of
learned counsel for the petitioner, it appears that the grievance of
the petitioner is directed only against two letters dated
21.11.2012 and 27.8.2012 of the Special Secretary, Government



of India, Ministry of Health and Family Welfare. It appears that the first one is letter of information addressed to the Chief Secretary, Government of Orissa with a request to consider examining the issue for passing necessary order at the State level with regard to Smokeless Tobacco/Chewing Tobacco in the forms of Gutkha, Pan Masala, Zarda and other chewable products having tobacco and nicotine with immediate effect following the example of Government of Mizoram. The second letter is again addressed to the Chief Secretaries of various other State Governments in which reference has also been made to the ban on manufacture, sale and import of Gutkha, Pan Masala in the State of Bihar and some other States and making a request to examine the issue and pass necessary order by the State Governments.

In my view, no cause of action arises in favour of the petitioner on mere issuance of such informatory and request letters by the Special Secretary, Ministry of Health and Family Welfare. As a matter of fact, the Government of Bihar has already, by a letter dated 30.5.2012, banned the manufacture, storage, sale or the distribution of Gutkha and Pan Masala containing tobacco or nicotine as ingredients by whatever name it is available in the market for one year from the date of issue of

the order in the State of Bihar in the interest of public health. The said order is not under challenge in the present writ petition. It is informed by learned counsel for the petitioner that the matter with respect to the said order is pending before a Division Bench of this Court.

In the aforesaid circumstances, the writ application does not disclose any cause of action and is premature. It is, accordingly, dismissed as premature.

S.Pandey/-

(Ramesh Kumar Datta, J)