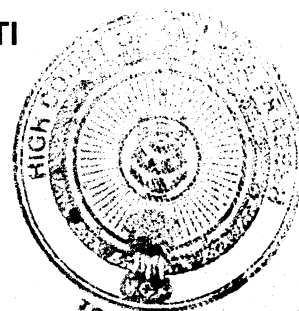


[3206]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION NO: 4198 OF 2021**



Between:

Vennela Enterprises, D.No.53-14-1413, Gandhinagar, 1st Lane, RTC Colony,
Guntur, Rep. By its Proprietor Rajasekar Vudutha.

.... Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Medical and Health Department, Secretariat, Velagapudi, Amaravati.
2. The Commissioner of Food Safety, Office of Secretariat, Velagapudi, Amaravati.
3. The State of A.P., Rep by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amaravati.
4. The Director General of Police, State of Andhra Pradesh at Mangalagiri, Guntur District.
5. The Superintendent of Police, Guntur Urban, Guntur District.
6. The Station House Officer, Old Guntur Police Station, Guntur District.

.... Respondents

Whereas the Petitioner above named through his Advocate Sri Raja Reddy Koneti presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents and their subordinates etc., in continuously trying to interfere into the petitioner firm's day to day business activities particularly in connection with tobacco products like Gutka, Panmasala etc., even though the petitioner firm doing lawful business strictly covered under COTPA(Cigarette other Tobacco Products Act) having the requisite licenses as well as payment of GST all taxes etc., vide GSTIN-37AKGPV0119HIZ4 and the Prohibition Notification of tobacco having expired as on 08-01-2021, which was also stayed by this Honble Court in WP.No.16118/2020 consequent on which a circular issued by the 2nd respondent not to book the cases on the basis of prohibited products as illegal, arbitrary violation of Principles of natural justice violation of Article 19(i) (g) and 21 of the Constitution of India and consequently direct the respondents, their subordinates, officials etc., not to interfere with the petitioner's day to day business activities including registration of cases for the above said business activities of tobacco products.

And Whereas the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Raja Reddy Koneti Advocate for the Petitioner, and of GP for Medical Health for R.1 & R.2 and GP for Home for R.3 to R.6, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Medical and Health Department, Secretariat, Velagapudi, State of Andhra Pradesh, Amaravati.
2. The Commissioner of Food Safety, Office of Secretariat, Velagapudi, Amaravati.
3. The Principal Secretary, Home Department, Secretariat, Velagapudi, State of A.P., Amaravati.
4. The Director General of Police, State of Andhra Pradesh at Mangalagiri, Guntur District.

5. The Superintendent of Police, Guntur Urban, Guntur District.
6. The Station House Officer, Old Guntur Police Station, Guntur District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to interfere into the petitioner's day to day business activities including the registration of cases under the said lawful tobacco product business activities, pending disposal of WP No. 4198 of 2021, on the file of the High Court.

The Court made the following:
ORDER:

"Notice before admission.

The State authorities had issued notification No.1508/FSSA/AP /2015-20 dated 05.01.2021 essentially curtailing the sale and distribution of Tobacco, Panmasala etc.

In the meanwhile, various dealers, who were dealing with these products, had approached this Court on the ground that the issuance of such notification was contrary to the decision of the Hon'ble Supreme Court in *Godawat Pan Masala I.P.Limited Vs Union of India*¹. There upon, this Court had granted stay of operation of the said notification by way of various orders including the order dated 15.10.2020 in W.P.No.16118 of 2020 and 15.10.2020 in W.P.No.15881 of 2020.

The petitioner, who is said to be dealing with Panmasala, had approached this Court challenging the notification and the consequential actions of the respondents in seeking to interfere with the business of the petitioner.

The learned Government Pleader for Medical and Health submits that the said notification has expired and the Food Commissioner has already issued a circular directing the authorities not to interfere with the business of the dealers, who are dealing with the products covered under the said notification.

The learned Government Pleader further submits that even though the notification has expired, the Government is intent on pursuing the writ petitions in order to obtain a clear exposition of law on this issue. He submits that there is a batch of writ petitions in relation to this issue pending before the Division Bench. These writ petitions are W.P.No.3819 of 2018 and batch.

In view of the same, this writ petition may also be tagged along with W.P.No.3819 of 2018 and batch.

It is also recorded that the impugned notification has expired on 08.01.2021 and the authorities cannot take any action under the said notification. It is further observed that in view of the circular issued by Food Commissioner, Andhra Pradesh Authorities shall not interfere with the business of the petitioner.

**Sd/-K.TATA RAO
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Medical and Health Department, Secretariat, Velagapudi, State of Andhra Pradesh, Amaravati.
2. The Commissioner of Food Safety, Office of Secretariat, Velagapudi, Amaravati.
3. The Principal Secretary, Home Department, Secretariat, Velagapudi, State of A.P., Amaravati.
4. The Director General of Police, State of Andhra Pradesh at Mangalagiri, Guntur District.
5. The Superintendent of Police, Guntur Urban, Guntur District.
6. The Station House Officer, Old Guntur Police Station, Guntur District. (RR 1 to 6 by RPAD- along with a copy of petition and memorandum of grounds)
7. One CC to Sri. Raja Reddy Koneti Advocate [OPUC]
8. Two CCs to GP for Medical Health and Family Welfare, High Court Of Andhra Pradesh. [OUT]
9. Two CCs to GP for Home, High Court Of Andhra Pradesh. [OUT]
10. One spare copy

PR

HIGH COURT

RRRJ

DATED:22/02/2021

NOTICE BEFORE ADMISSION

WP.No.4198 of 2021

DIRECTION

