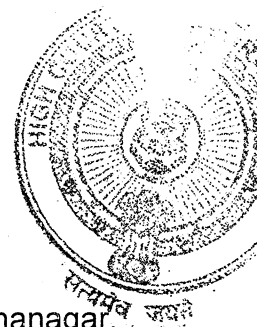


**(SHOW CAUSE NOTICE BEFORE ADMISSION)  
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
FRIDAY, THE NINTH DAY OF APRIL  
TWO THOUSAND AND TWENTY ONE**

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU  
WRIT PETITION NO: 8026 OF 2021**



**Between:**

Sri Venkateswara Enterprises, Ground Floor, 29-13-31, Lalithanagar,  
Dabagardens, Visakhapatnam, Rep by its Proprietor Narasimharao  
Vankayalapati

.... **Petitioner**

**AND**

1. The State of A.P., 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, Visakhapatnam, Visakhapatnam District.
6. The Station House Officer, II Town Police Station, Visakhapatnam District.
7. Special Enforcement Bureau, Visakhapatnam District.

.... **Respondents**

WHEREAS the Petitioner above named through his Advocate M/s. Vinodin Ruth Madapalli 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 order 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, Pan Masala 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 37ACFPV9056N1ZN and the Prohibition Notification of tobacco having expired as on 08-01-2021, which was also stayed by this Hon'ble Court in WP.No.1872/2021 consequent on which a circular issued by the 2<sup>nd</sup> 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 in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s. Vinodin Ruth Madapalli Advocate for the Petitioner, GP for Medical Health and Family Welfare for R. 1 and R.2 and of GP for Home for R.3 to R.7 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 A.P., 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, Visakhapatnam, Visakhapatnam District.
6. The Station House Officer, II Town Police Station, Visakhapatnam District.
7. Special Enforcement Bureau, Visakhapatnam 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. 8026 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.318/FSSA/AP/2014-20, dated 08.01.2021 essentially curtailing the sale and distribution of Tobacco, Panmasala etc., This notification is valid up to 08.01.2021.**

**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* (2004 (7) SCC 68). Thereupon, 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, has 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 2019 and batch.

In view of the same, this writ petition may also be tagged along with W.P.No.3819 of 2019 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. ”

//TRUE COPY//

Sd/-P.VenkataRamana  
DEPUTY REGISTRAR

For SECTION OFFICER

To,

1. The Principal Secretary, Medical and Health Department, Secretariat, Velagapudi, State of A.P., 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, Visakhapatnam, Visakhapatnam District.
6. The Station House Officer, II Town Police Station, Visakhapatnam District.
7. Special Enforcement Bureau, Visakhapatnam District. (RR 1 to 7 by RPAD- along with a copy of petition and memorandum of grounds)
8. One CC to M/s. Vinodin Ruth Madapalli Advocate [OPUC]
9. Two CCs to GP for Medical Health and Family Welfare, High Court Of Andhra Pradesh. [OUT]
10. The Two CCs to GP for Home, High Court Of Andhra Pradesh. [OUT]
11. One spare copy

PR

**HIGH COURT**

**DVSSJ**

**DATED:09/04/2021**

**NOTICE BEFORE ADMISSION**

**WP.No.8026 of 2021**

**DIRECTION**

