

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE NO.: W.P.No.19761 of 2022

PROCEEDING SHEET

Sl.No.	Date	ORDER	OFFICE NOTE
01.	08.07.2022	<p><u>MGR,J</u></p> <p>Notice before admission.</p> <p>Learned Government Pleader for Medical & Health takes notice for the respondents 1 to 3, waives further notice and seeks time to file counter.</p> <p>Learned counsel for the petitioner submits that the impugned notification is issued without jurisdiction. He further submits that in identical matters, this Court passed orders in several writ petitions staying the operation of the impugned notification stating that the State authorities have no jurisdiction to issue the notification.</p> <p>Per contra, learned Government Pleader for Medical & Health submits that in W.P.No.30185 of 2021 questioning the same notification impugned in this writ petition, a learned Single Judge referred the matter to the Division Bench and the matter is pending before the Division Bench. He further submits that a vacate stay petition has already been filed in WP.No.11854 of 2022 where interim order was passed and on which the petitioner is relying on. On the above grounds he stoutly opposed for grant of interim order.</p> <p>In view of the earlier interim orders passed in similar matters, this Court felt it just and fair to grant the same order.</p> <p>Accordingly, having regard to the fact that the petitioner relied upon the decision of the Hon'ble Apex Court in Godawat Paan Masala IP Limited v. Union of India [(2004) 7</p>	

		<p>SCC 68] and also the order of Hon’ble High Court of Telangana in WP.No.4205 of 2020 dated 28.02.2020 to canvas the point that the tobacco products are purely covered by a Central Special Legislation i.e Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production, Supply and Distribution) Act, 2003 and therefore, the State authorities have no jurisdiction to issue the notification No.318/FSSA/AP/2014-21, dated 06.12.2021, all further proceedings in pursuance of the aforesaid notification are stayed.</p> <p>Post on 14.07.2022.</p> <p>Vjl</p> <p>MGR, J</p>	
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