

Page No.# 1/4 vs The State Of Assam And 9 Ors on 18 January, 2022

Author: Manash Ranjan Pathak

Bench: Manash Ranjan Pathak

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GAHC010219722021

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7386/2021

SAMBHU SINGHA AND 2 ORS
S/O TAPAN SINGH
VILL- NORTH LAKHIMPUR TOWN,
WARD NO. 6, PART-I,
P.S. AND P.O. NORTH LAKHIMPUR
DIST. LAKHIMPUR, ASSAM, PIN-787001

2: DIPANJAL SONOWAL
S/O MANU SAIKIA SONOWAL
VILL- NORTH LAKHIMPUR TOWN

WARD NO. 8
P.S. AND P.O. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

PIN-787001

3: RAJU SINGHA
S/O TAPAN SINGH
VILL- NORTH LAKHIMPUR TOWN

WARD NO. 6
PART-I

P.S. AND P.O. NORTH LAKHHIMPUR
DIST. LAKHIMPUR
ASSAM
PIN-78700

VERSUS

THE STATE OF ASSAM AND 9 ORS

REP. BY ITS COMMISSIONER OF FOOD SAFETY, ASSAM, DISPUR,

Page No.# 2/4

GUWAHATI-06.

2:THE S.O. TO CHIEF SECRETARY

GOVT. OF ASSAM

DISPUR

GUWAHATI-06.

3:THE CHIEF EXECUTIVE OFFICER

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

FDA BHAWAN

KOOTLA ROAD

NEW DELHI-110002.

4:THE MISSION DIRECTOR

NATIONAL HEALTH MISSION

ASSAM

GUWAHATI-5.

5:THE LEGAL REMEMBRANCER

ASSAM

DISPUR

GUWAHATI-06.

6:THE DIRECTOR OF HEALTH SERVICES

ASSAM

HENGRABARI

GUWAHATI-36.

7:THE DIRECTOR OF INFORMATION AND PUBLIC RELATIONS

ASSAM

LAST GATE

DISPUR

GUWAHATI-6.

8:THE P.S. TO MINISTER HEALTH AND FAMILY WELFARE

ASSAM

DISPUR

GUWAHATI-06.

9:THE P.S. TO PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-6.

10:THE P.S. TO PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-06

Advocate for the Petitioner : MS. N MODI

Advocate for the Respondent : GA, ASSAM

BEFORE HON'BLE MR. JUSTICE MANASH RANJAN PATHAK 18.01.2022 Heard Mr. C. Sharma, learned counsel for the petitioners and Mr. B. Gogoi, learned Standing Counsel, Health and Family Welfare Department, Assam for the respondent Nos. 1, 4, 6, 8 and 9. Also heard Mr. N. Goswami, learned Government Advocate, Assam for the respondent Nos. 2, 5, 7 & 10 and Ms. A. Gayan, learned CGC for the respondent No. 3.

By this application, the petitioners have prayed for implementation of the Notification No. FSC.12/2013/11 dated 12.01.2021 issued by the State Government in the Food and Drugs Administration, Assam, Commissionerate of Food Safety, Bamunimaidan, Guwahati whereby the State Government prohibited articles of food in which tobacco and/or nicotine are used as ingredients being injurious to human health in terms of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions of Sales) Regulations, 2011 read with Section 26 of Food Safety and Standards Act, 2006. The said Notification dated 12.01.2021 was issued with due approval of the Government in the Health and Family Welfare Department.

By the said Notification dated 12.01.2021, the State Government prohibited the Page No.# 4/4 manufacture, storage, transportation, display, distribution or sale of Gutkha, Pan Masala or any chewing material etc. by whatsoever name, containing tobacco or nicotine as ingredients available in the market for a period of 1 (one) year under Clause (a) of sub-section 2 of Section 30 of Food Safety and Standards Act, 2006 in the interest of public health with immediate effect.

The said Notification dated 12.01.2021 was issued by the State Government in exercise of power of Regulation 2.3.4 of said 2011 Regulations and Section 26 of said 2006 Act.

Since the State Government did not implement the said Notification dated 12.01.2021, the petitioners have preferred this writ petition.

From the perusal of the impugned Notification dated 12.01.2021 it is seen that it was only for a period of 1 (one) year from the date of its issuance, i.e. upto 11.01.2022 and as such the said Notification dated 12.01.2021 spent its force.

Accordingly, this writ petition, being infructuous, stands closed.

JUDGE Comparing Assistant