

# **Kasannagattu Karan Kumar vs The State Of Telangana on 27 December, 2021**

**Author: Satish Chandra Sharma**

**Bench: Satish Chandra Sharma, N.Tukaramji**

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA  
AND

THE HON'BLE SRI JUSTICE N. TUKARAMJI

WRIT PETITION No.35680 of 2021

ORDER:

(Per the Hon'ble the Chief Justice Satish Chandra Sharma) Learned counsel for the parties have informed this Court that the controversy involved in the present case has already been adjudicated on account of an order passed by this Court in W.P.No.19928 of 2021 and batch, dated 30.11.2021.

The operative portion of the aforesaid order reads as under:-

"(55) The Division Bench of the Bombay High Court has dealt with all the issues, similar to the issues raised in the present writ petitions. In the considered opinion of this Court, the question of interference by this Court in respect of Notification which is bound to save human lives cannot be faulted with in any manner. The entire globe is facing COVID-19 pandemic and the death rate on account of gutka/pan masala and other tobacco products is more than the deaths which are taking place on account of pandemic. The people are suffering from cancer and other diseases and the restriction imposed is in larger public interest and is a reasonable restriction and in no way offends the right to carry on trade guaranteed under the Constitution.

(56) In the light of the aforesaid, this Court does not find any reason to interfere with the impugned Notification and resultantly, the writ petitions are dismissed. Miscellaneous petitions, if any pending, shall stand dismissed. There shall be no order as to costs."

In the light of the aforesaid, the present writ petition also stands dismissed. The judgment delivered in W.P.No.19928 of 2021 and batch shall be applicable mutatis mutandis in the present case also.

The petitioner has made a further prayer that prior notice should be given to the petitioner and other manufacturers before seizing the material on account of Notification dated 06.01.2021.

In the considered opinion of this Court, if the action is initiated under the Food Safety and

Standards Act, 2006, it is a complete code in itself and the petitioner shall be at liberty to avail the remedies under the aforesaid Act. In case a criminal case is registered against the petitioner, the petitioner shall also be free to take recourse to the remedies available under the law.

Let a copy of the order passed by this Court in W.P.No.19928 of 2021 and batch, dated 30.11.2021, be kept on record in the present case.

The miscellaneous applications pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

----- SATISH CHANDRA SHARMA, CJ  
\_\_\_\_\_ N. TUKARAMJI, J 27.12.2021 vs