# Kishorbhai Mohanbhai Khodiar vs State Of Maharashtra, Thr. Its Chief ... on 14 October, 2021

## Author: Pushpa V. Ganediwala

## Bench: V.M. Deshpande, Pushpa V. Ganediwala



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 261 OF 2021

Kishorbhai Mohanbhai Khodiar Vs. The State of Maharashtra, through its Chief Secretary, Food and Drug Department, Mantralaya, Mumbai and Anr.

---

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders. Court's or Judge's orders.

Shri C.F. Bhagwani, Advocate for the petitioner.

CORAM : V.M. DESHPANDE AND
PUSHPA V. GANEDIWALA, JJ.

DATED : OCTOBER 14, 2021.

Shri Bhagwani, learned counsel for the petitioner submits that the notification issued by the Commissioner, Food Safety of the State prohibiting the scented tobacco in the State of Maharashtra is ultra vires. The Section 30 of the Food Safety and Standards Act, 2006 empowers the Commissioner to issue notification. The period of notification is to be for one year and thereafter he has every right to issue fresh notification. There is nothing on record to show that respondent no.2-Commissioner of Food Safety has arbitrarily exercised his power. No case is made out. Hence, writ petition is dismissed. No order as to costs.

JUDGE JUDGE

wagh