

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN**  
**&**  
**THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.**

Thursday, the 5<sup>th</sup> day of March 2026 / 14th Phalguna, 1947  
WP(C) NO. 8332 OF 2025(S)

**PETITIONERS:**

1. SANGEERTHANA M , AGED 27 YEARS, D/O CHANDRIKA P B, RESIDING AT PUTHUKKULANGARA HOUSE, VAYANASALA LANE, ELAMAKKARA, PIN - 682 026
2. ADARSH DHARMAJAN, AGED 27 YEARS, S/O DHARMAJAN K K, RESIDING AT DRISHYA BHAVAN, PALLATH FERRY ROAD, NORTH KALAMASSERY, ERNAKULAM, PIN - 683 104
3. SUMITHA UNNIKRISHNAN K P, AGED 24 YEARS, D/O UNNIKRISHNAN K P, RESIDING AT SAPPHIRE PLAZA HEIGHTS, FLAT NUMBER - 2A, VENNALA, ERNAKULAM, PIN - 682 028
4. MUHAMMED NAZIM K S, AGED 27 YEARS, S/O SHAMSUDEEN K H, FLAT NO 8A, RIVERSIDE RESIDENCY, NORTH KALAMASSERY, ERNAKULAM, PIN - 683 104

**RESPONDENTS:**

1. UNION OF INDIA, REPRESENTED BY PRINCIPAL SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAWAN, NEW DELHI, PIN - 110 011.
2. MINISTRY OF LAW, REPRESENTED BY THE PRINCIPAL SECRETARY, UNION OF INDIA, 4TH FLOOR, A- WING, SHASTRI BHAWAN, NEW DELHI - 110 001
3. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001
4. THE COMMISSIONER OF POLICE, ERNAKULAM CITY, OFFICE OF THE COMMISSIONER OF POLICE, REVENUE TOWER, MARINE DRIVE, ERNAKULAM, KERALA - 682 011
5. KOCHI MUNICIPAL CORPORATION, REPRESENTED BY THE SECRETARY, CORPORATION HEAD OFFICE, PARK AVENUE ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682 011
6. ITC LTD, REPRESENTED BY THE MANAGING DIRECTOR, VIRGINIA HOUSE, 37, J.L. NEHRU ROAD, KOLKATA, WEST BENGAL - 700 071
7. GOLD FLAKE CORPORATION LTD, REPRESENTED BY THE MANAGING DIRECTOR, VIRGINIA HOUSE, 37, J.L. NEHRU ROAD, KOLKATA, WEST BENGAL - 700 071.
8. IPM INDIA WHOLESALE TRADING PVT. LTD. (MARLBORO), REPRESENTED BY THE MANAGING DIRECTOR, 2ND FLOOR, TOWER C, DLF CYBER PARK, GURUGRAM, HARYANA, PIN - 122 002.

P.T.O

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C), this Honourable court may be pleased to direct the respondents 4 and 5 to investigate and remove all the cigarette advertisements, and to direct respondents 1 to 4 to issue circulars, mandating checking of identification cards while selling cigarettes and other tobacco products to young individuals to ensure they are at least 18 years of age and direct respondents 1 to 4 strictly prohibit public smoking in the interest of justice.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 12/02/2026 and upon hearing the arguments of MS. SANGEERTHANA M as PARTY IN PERSON for the petitioner, MS. O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & SRI. ARJUN VENUGOPAL, CENTRAL GOVERNMENT COUNSEL for R1 & R2, MS. B.VINITHA, SENIOR GOVERNMENT PLEADER for R3 & R4 and of SRI.K.JANARDHANA SHENOY, STANDING COUNSEL for R5, the court passed the following:

P.T.0



**SOUMEN SEN, C. J. & SYAM KUMAR V. M., J.**

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**W.P. (C) No. 8332 of 2025**

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Dated this the 5<sup>th</sup> day of March, 2026

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**Appearance:**

For the Petitioners : Ms. M. Sangeerthana, party-in-person  
For the Respondents: Mr. Arjun Venugopal, CGC  
Ms. B. Vinitha, Sr. GP

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**ORDER**

**Soumen Sen, C.J.**

The affidavit filed on behalf of the State is taken on record. It appears that the State has taken measures to ensure that cigarette packets are not being sold without disclosing the nicotine and tar contents. However, as rightly pointed out by Ms. B. Vinitha, learned Senior Government Pleader, in the absence of any rules specified by the Central Government in exercise of the powers conferred under Section 31 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, specifying the maximum permissible nicotine and tar contents in cigarettes,

it would not be possible for the State respondents to seize or confiscate cigarettes or tobacco products on the ground of not specifying the maximum permissible nicotine and tar contents.

2. We direct the 1<sup>st</sup> respondent to file an affidavit disclosing whether any notification has been issued specifying the maximum permissible nicotine and tar contents in cigarettes or other tobacco products under the proviso to sub-section (5) of Section 7 of the Act and in exercise of the powers under Section 31 of the Act.

3. We request the learned Deputy Solicitor General of India to assist the Court on the adjourned date, as the absence of specification of the maximum permissible nicotine and tar contents in cigarettes and other tobacco products is likely to cause serious health issues.

4. The Registry is directed to issue notice to Respondent Nos. 6 to 8 by speed post with acknowledgment due within 48 hours, with intimation that the matter shall be listed on 26.03.2026.

5. Respondent No. 1 shall file an affidavit on or before the next date of posting, upon prior service on the learned counsel for the parties.

**Sd/-  
SOUMEN SEN  
CHIEF JUSTICE**

**Sd/-  
SYAM KUMAR V. M.  
JUDGE**



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