

ITEM NO.27

COURT NO.1

SECTION XI-B

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 34002/2025

[Arising out of impugned final judgment and order dated 13-10-2025 in WP(PIL) No. 117/2025 passed by the High Court of Kerala at Ernakulam]

RAJASIMHAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

FOR ADMISSION

Date : 05-12-2025 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :

Dr. S.Gopakumaran Nair, Sr. Adv.  
Ms. Swathi H. Prasad, AOR  
Mr. Athul Roy, Adv.  
Ms. Samyuktha H Nair, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. The instant petition assails the judgment dated 13.10.2025 passed by the High Court of Kerala dismissing a public interest litigation, in which it was alleged that the front cover of the book 'Mother Mary Comes to Me', featuring a photograph of the author smoking a cigarette, constituted an advertisement or

promotion of tobacco products in violation of Section 5 of the Cigarettes and Other Tobacco Products Act, 2003 (COTPA).

2. We have heard Dr. S. Gpakumaran Nair, learned senior counsel representing the petitioner.

3. In the present circumstances, we find no basis to accept the contention that merely depicting the author with a cigarette on the book cover constitutes an advertisement or promotion of tobacco products, thus potentially attracting the rigour of Section 5 of COTPA. The allegation solely depends on the visual appearance of the cover, without any supporting factual or statutory evidence to indicate that respondent Nos. 4 & 5 are involved in, or have caused, any form of prohibited advertising.

4. We see no reason to interfere with the impugned judgment and order passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

5. Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR