

**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 26th day of March 2026 / 5th Chaithra, 1948
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 05/03/2026 and the court passed the following:

P.T.0



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THURSDAY, THE 26TH DAY OF MARCH 2026

WP(C) No. 8332 of 2025

SANGEERTHANA M & OTHERS

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SANGEERTHANA M (IN PERSON), SMT.SANGEERTHANA M.

ADVS FOR RESPONDENT/S:

O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA, GOVERNMENT PLEADER, SHRI.K.JANARDHANA SHENOY, SC, KOCHI MUNICIPAL CORPORATION



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Soumen Sen, C.J. & Syam Kumar V.M., J.

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Dated this the 26th day of March, 2026

Appearance:

For the Petitioners : Ms.Sangeerthana M.,
Party in person

For the Respondents : Ms.O.M.Shalina, DSGI
Ms.Vinitha B., Sr. GP
Mr.Anoop V.Nair, SC
Mr.Thomas P. Kuruvila – R6
Mr.V.B.Unniraj – R7

ORDER**Soumen Sen, C.J.**

The learned DSGI has filed a statement indicating the reasons for not notifying Section 7(5) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (in short 'the Act of 2003').

2. Earlier we had raised a query concerning Section 7(5) of the Act of 2003 on the basis that the said provision is in

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force and had accordingly issued directions for compliance of the said provision. However, having regard to the fact that the said provision has not been notified, we cannot direct the manufacturing companies to mandatorily display in its label the Nicotine and tar contents as we find from few cigarette packets produced before us do not contain any such contents whereas few of them have mentioned the Nicotin and tar contents.

3. The Ministry of Health and Family Welfare may, pending the issue as to the maximum permissible limits of nicotine and tar content to be displayed or printed on the cigarette packets, consider whether the labels should contain the actual levels of Nicotin and tar.

4. Respondents 6 and 7 are represented by Mr.Thomas P.Kuruvila and Mr.V.B.Unniraj respectively and undertakes to file the vakalath memo in the course of this week on behalf of the said respondents.

5. The service on the 8th respondent is incomplete. However, we do not feel it necessary at this stage to direct service of fresh notice to the 8th respondent. In view of the fact

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that the order we propose to pass covers all cigarette manufacturers, the name of the 8th respondent, for the time being, may stand deleted.

6. The petitioner appearing in person has produced before us a cigarette packet with strawberry picture bearing the brand name 'Mond' without any pictorial representation required under Rule 3 of the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008, (in short, 'Rules of 2008') read with a Schedule thereto. It is argued that complaint shall immediately be registered against the manufacturer of the brand 'Mond' for violating the aforesaid rule. It is needless to mention that the Enforcement Agency of the State shall be vigilant in ensuring enforcement of the Act of 2003 and the Rules made thereunder and initiate proceedings against the manufacturing units responsible for such violation. Further affidavit shall be filed with regard to the progress made in this regard on or before 28.05.2026. We also request the learned DSGI to obtain instructions and to file an affidavit on or before 28.05.2026. The matter stands adjourned to 28.05.2026.

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7. Insofar as in the packet of Gold Flake Mixpod by ITC Limited, produced by the petitioner, it appears that on the outer level, the words 'It's Honeydew Smooth' and 'Flavour like never before' are being printed. In the inside flap, the words 'More Flavours More Experiences' can be found. It is argued that this may be in violation of Rule 3(g) of the Rules of 2008. Respondents 6 and 7 are directed to respond to such allegations made by the petitioner. The other respondents are also directed to file affidavits dealing with the same issue.

8. The two cigarette packets produced before us today are kept with the file and shall be open for inspection by the learned counsel for the parties in order to enable them to deal with such allegations in this regard.

**Sd/-
Soumen Sen
Chief Justice**

**Sd/-
Syam Kumar V.M.
Judge**

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