



2026:KER:77260

WP(PIL) NO. 195 OF 2026

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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.

WEDNESDAY, THE 7TH DAY OF OCTOBER 2026 / 15TH ASWINA, 1948

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PETITIONER/S:

**PROF. MONAMMA KOKKAD
AGED 79 YEARS
W/O. JOSE ANTONY KOKKAD, RESIDING AT KOKKAD
HOUSE, AMBELIPADAM ROAD, KOCHI, PIN - 682019**

**BY ADVS.
SHRI.HARISH VASUDEVAN
SRI.RAJAN VISHNURAJ
SHRI.VARUN JACOB
SMT.AASHKA ANN**

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
HEALTH AND FAMILY WELFARE DEPARTMENT, ANNEXE -
II, 6TH FLOOR, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**



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- 3 PRINCIPAL SECRETARY TO GOVERNMENT
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 4 THE STATE POLICE CHIEF
POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695010**
- 5 THE DIRECTOR OF HEALTH SERVICES
DIRECTORATE OF HEALTH SERVICES, GENERAL HOSPITAL
JUNCTION, THIRUVANANTHAPURAM, PIN - 695035**
- 6 THE STATE NODAL OFFICER
NATIONAL TOBACCO CONTROL PROGRAMME, DIRECTORATE
OF HEALTH SERVICES, GENERAL HOSPITAL JUNCTION,
THIRUVANANTHAPURAM, PIN - 695035**
- 7 THE DISTRICT COLLECTOR ERNAKULAM,
FIRST FLOOR, CIVIL STATION, KAKKANAD, ERNAKULAM,
PIN - 682030**

OTHER PRESENT:

BIJU MEENATTOOR-SR.GP

**THIS WRIT PETITION (PUBLIC INTEREST LITIGATION)
HAVING COME UP FOR ADMISSION ON 07.10.2026, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**



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JUDGMENT

Dated this the 7th day of October 2026

SOUMEN SEN, C.J.

Heard Mr. Varun Jacob, learned counsel for the petitioner and Mr. Biju Meenattoor, learned Senior Government Pleader.

2. This petition has been filed in the nature of a Public Interest Litigation seeking enforcement of the statutory prohibition against smoking in public places. The petitioner relies upon the judgment of this Court in *K. Ramakrishnan & Anr. v. State of Kerala*¹ and submits that the directions contained therein have not been fully implemented. The petitioner has also referred to the representation dated 8th August 2026 addressed to the Home Secretary, seeking statewide implementation of the judgment of this Court in *K. Ramakrishnan* (supra), and strict enforcement of the Cigarettes and Other Tobacco Products Act, 2016 (hereinafter

¹ 1999 (2) KLT 725



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referred to as “the Act of 2016”) and the Rules framed thereunder, which prohibit smoking in public places. The petitioner has also suggested enhancement of the penalty prescribed for violation thereof. The petitioner has also disclosed an application submitted under Section 6(1) of the Right to Information Act to the State Police Chief and the communication received in reply thereto from the State Police Chief. From the said communication, it appears that the Kerala Police has taken adequate measures for the implementation of the Act of 2016 and has also furnished details of the penalties recovered for violations of the said Act.

2. In view of the aforesaid, it cannot be said that the police have not taken adequate measures for the implementation of the Act of 2016. A few isolated incidents may not justify a finding that the provisions of the Act of 2016 have not been complied with. Needless to say, the police shall continue to comply with the directions issued in *K. Ramakrishnan* (supra), and strictly enforce the provisions



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of the Act of 2016. A copy of this order shall be forwarded to respondent Nos. 2, 3 and 4 for information and compliance. The respondent authorities shall conduct awareness programmes highlighting the legal provisions prohibiting smoking in public places and the harmful effects of passive smoking.

The W.P.(PIL) is accordingly disposed of.

Sd/-

**SOUMEN SEN
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V.M.
JUDGE**

uu/07.10.2026



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APPENDIX OF WP(PIL) NO. 195 OF 2026

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | A TRUE PHOTOCOPY OF THIS HON'BLE COURT'S JUDGMENT DATED 12.07.1999 IN O.P. NO. 24160 OF 1998 |
| Exhibit P2 | A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 30.01.2007 IN W.P. (C.) NO.1099 OF 2007 |
| Exhibit P3 | A TRUE COPY OF THE JUDGEMENT DATED 22.11.2010 PASSED BY THIS HON'BLE COURT IN CCC NO. 1445 OF 2010 |
| Exhibit P4 | TRUE PHOTOGRAPHS EVIDENCING SUCH INSTANCES |
| Exhibit P5 | A TRUE COPY OF THE SAID REPRESENTATION DATED 08.08.2026 PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT |
| Exhibit P6 | A TRUE COPY OF THE RTI REQUEST PREFERRED BY THE PETITIONER ON 02.08.2026 BEFORE THE OFFICE OF THE 4TH RESPONDENT |
| Exhibit P7 | A TRUE COPY OF THE LETTER OF COMMUNICATION NO. I3-1666730/2026/PHQ DATED 29.08.2026 ISSUED BY THE OFFICE OF THE 4TH RESPONDENT TO STATE CRIME RECORDS BUREAU AND TO THE PETITIONER |
| Exhibit P8 | A TRUE COPY OF THE REPLY NO. C1 - 9643/2026/SCRB OF STATE CRIME RECORDS BUREAU ISSUED TO THE PETITIONER HEREBY ON 08.09.2026 |
| Exhibit P9 | THE RELEVANT SCREENSHOTS OF THE COTPA VIOLATIONS STATISTICS AVAILABLE ON THE AFORESAID OFFICIAL WEBSITE OF KERALA POLICE |