

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 7746 of 2012
Date of decision : 10.7.2012

Surender Saini and othersPetitioners

Vs.

State of Haryana through Chief Secretary and others
.....Respondents

**CORAM: Hon'ble Mr. Justice Jasbir Singh, Acting Chief Justice
Hon'ble Mr. Justice Rakesh Kumar Jain**

Present:- Mr. Sandeep Arora, Advocate, for the petitioners
Mr. Alok Jain, Addl. AG, Punjab
Mr. Sumeer Singh Ohlian, AAG, Haryana
Mr. Pardeep Singh Poonia, Advocate, for respondent No.11
Mr. Ashish Verma, Advocate, for respondent No.12

Jasbir Singh, Acting Chief Justice (oral)

This petition has been filed seeking issuance of directions to the respondents to take appropriate action against the manufacturers/distributors/sellers of tobacco/pan masala/gutkha products which are being sold in plastic packets (sachets) contrary to the directions issued by the Hon'ble Supreme Court vide order dated 7.12.2010 passed in the case of **Ankur Gutkha v. Indian Asthama Care Society and others** and also that various statutory provisions like pictorial warning and giving date of manufacturing are not being followed.

However, when notice of motion was issued by this Court on 27.4.2012, following contention of counsel for the applicant was noticed :-

“Learned counsel for the petitioners has, inter alia, argued that

manufacturers of gutkha, tobacco, pan masala have already been restrained from using plastic material in the sachets of gutkha, tobacco and pan masala. The aforesaid direction has come into force from 1.3.2011, as is evident from the order of Hon'ble The Supreme Court passed on 7.12.2010 (P-5). According to the learned counsel, the practice of packing gutkha, tobacco, pan masala etc. in plastic material in this part of the country is still going on unabated.”

Replies on behalf of respondents No.4 and 12 have been filed wherein it is stated that in terms of the order passed by the Hon'ble Supreme Court, and also the directions received from the Central Pollution Control Board vide its No. B-17011/7/PWM (PCP) 2006-2007 dated 28.6.2011, necessary instructions have been issued to all the Deputy Commissioners and Executive Officers of Municipal Corporations and Councils in the State of Punjab to take strict action against the violators and confiscate such material being sold contrary to the directions issued by the Hon'ble Supreme Court.

The State of Haryana though has not filed any reply but Mr. Sumeer Singh Ohlian, AAG, Haryana appearing on its behalf states that authorities are strictly complying with the directions issued by the Hon'ble Supreme Court in its order dated 7.12.2010.

In view of what has been stated above, this writ petition has become infructuous and is disposed of accordingly.

(Jasbir Singh)
Acting Chief Justice

(Rakesh Kumar Jain)
Judge

10.7.2012
Ashwani