



W.P.No.5853 of 2024

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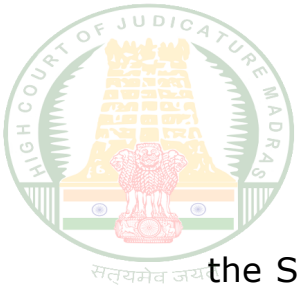
THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.R.Lakshmi Narasimhan, learned counsel for the petitioner.

2. The petitioner assails the validity of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Tamil Nadu Amendment Act, 2022 to amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and its application in the State of Tamil Nadu.

3. According to learned counsel for the petitioner, "Tobacco" is exclusively a Central subject. It finds place in Entry-84 of List I of



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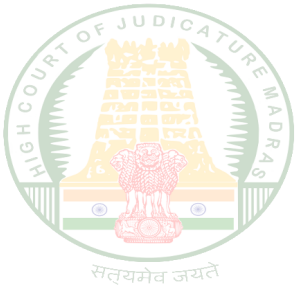
the Seventh Schedule to the Constitution of India. The State could not have placed restrictions on the opening and running of hookah bars or serving hookah to the customers.

4. Under Entry-6 of List II of the Seventh Schedule to the Constitution, "health" is a State subject. The said aspect also needs to be considered.

5. As the validity of the Amendment Act of 2022 is challenged, issue notice to the respondents, including learned Advocate General of the State.

6. Mr.A.Edwin Prabakar, learned State Government Pleader, accepts notice on behalf of learned Advocate General of the State and respondents 1 to 4.

7. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, assisted by Mr.Sylvester John, learned counsel, accepts notice for respondents 6 and 7.



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8. Mr.A.Arun Babu, learned Standing Counsel, accepts notice on behalf of the fifth respondent.

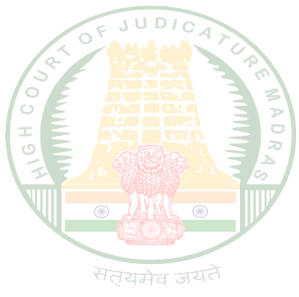
At the request of learned State Government Pleader, for filing reply, adjourned to 23.4.2024.

(S.V.G., CJ.)

(D.B.C., J.)

08.03.2024

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