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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.45614 of 2026
CNR:{HCMA012680312026}
and W.M.P.No.51216 of 2026

Case QR

D.Rakesh
Son of K.Damodaran,
residing at No.23, 3rd Cross Street,
Duraisamy Nagar, Arasaradi,
Madurai-625016.

Petitioner(s)

Vs

1. The Union of India
through Secretary, Ministry of Health
and Family Welfare, having his office
at Nirman Bhawan, New Delhi - 110011.

2.The State of Tamil Nadu,
rep by its Chief Secretary,
Secretariat, Chennai - 600 009.

3.The Food and Drug Administration,
Food Safety and Standards Authority of India,
having its office at 3rd and 4th Floor,
FDA Bhawan, Kotla Road, Near Bal Bhawan,
New Delhi - 110002.

4.The Commissioner,
Food Safety and Drug Administration

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Department, 359, Anna Salai,
Teynampet, Chennai - 600 009.

5.The Central Consumer Protection Authority,
Room No. 567-A, Krishi Bhavan,
New Delhi - 110 011.

6.P.B.Agro LLP
having its registered office at 57,
Second Floor, Main Ring Road
Lajpat Nagar-3, New Delhi - 110 024.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus (A) directing Respondent Nos.1 to 5 and/or any other appropriate authority empowered to take action or proceedings, to forthwith enquire and take action/ proceedings against Respondent No.6 for violations of the provisions of (i) Section 53 of the Food Safety and Standards Act, 2006, (ii) Food Safety and Standards (Advertising and Claims) Regulations, 2018, (iii) Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, (iv) Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, (v) Consumer Protection Act, 2019 and the CCPA Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, (vi) Section 5 read with Section 22 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), and (vii) Rule 7 of the Cable Television Networks Rules, 1994 framed under the Cable Television Networks (Regulation) Act, 1995, for the promotion of the Pan Masala /Gutkha /prohibited goods in the guise of promoting the product Elaichi to prevent the gullible consumers from being tempted to buy the same; (B) directing Respondent Nos.1 to 5 to issue appropriate directions to Respondent No.6 to discontinue/not to hereafter indulge in surrogate or deceptive advertisement of Pan Masala/Gutkha/prohibited goods in the guise of promoting the product Elaichi, to prevent the residents of Tamil Nadu from being misled into consumption of Pan Masala/Gutkha/prohibited goods.

For Petitioner(s): Mr.Santhosh Paul,

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Senior Counsel
for Mr.Arul Gnanaprakash

For Respondent(s): Mr.M.Guruprasad,
State Government Pleader
for R2 and R4

Mr.V.Chandrasekaran,
Senior Panel Counsel
for R1, R3 and R5

ORDER

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

The petitioner seeks a direction to respondent Nos.1 to 5 to act against the sixth respondent over its advertisements for "*Vimal Elaichi*" alleging that these advertisements are a disguised way of promoting Vimal Pan Masala.

2.1. The case of the petitioner, in short, is that the sixth respondent manufactures both Pan Masala and Kesar Elaichi (cardamom with saffron) under the common brand "*Vimal*". Both are food products, and both are registered with the Food Safety and Standards Authority of India. The sixth respondent advertises Vimal Elaichi on television, in print, on social media and on hoardings, using three well-known film actors. According to the petitioner, the Vimal brand is known for Pan Masala. It is asserted that it is hard to

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believe that a company would spend so much to sell cardamom. The petitioner, therefore, pleads the campaign is a surrogate advertisement, and that it breaches the Food Safety and Standards Act, 2006, the Advertising and Claims Regulations, 2018, the Consumer Protection Act, 2019, the CCPA Guidelines of 2022, the Cigarettes and Other Tobacco Products Act, 2003, and the Cable Television Networks Rules, 1994.

2.2. To support the aforesaid asseverations, the petitioner relies on media reports. The petitioner submitted that in August 2026 the Maharashtra Food and Drug Administration issued show-cause notices to the three actors. The notices say the advertisement appears to link Vimal Elaichi with Vimal Pan Masala, which is prohibited in Maharashtra under an order dated 13.07.2026. He adds that the Commissioner of Food Safety in Tamil Nadu has issued orders under Section 30 of the 2006 Act against tobacco and nicotine based chewable products. He asserts that the authorities in Tamil Nadu have done nothing about the sixth respondent.

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2.3. The petitioner, therefore, seeks a mandamus directing an inquiry and action against the sixth respondent, and a direction that it stop the advertisement.

3. We have heard learned Senior Counsel appearing on behalf of the petitioner at the admission stage and his primordial contention is that the advertisement is surrogate on its face, that no one can claim protection under Article 19(1)(g) of the Constitution of India for such a campaign, and that the media reports from Maharashtra make out a *prima facie* case.

4. Public interest litigation is an extraordinary legal remedy designed to assist those unable to approach the court themselves. Consequently, it demands rigorous and credible material rather than mere guesswork. This jurisdiction cannot be set in motion based on speculation, internet rumors, or unverified news reports lacking proper foundational research.

5. Tested against the aforesaid standard, the petition cannot go forward, for the following reasons:

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(i) Most of the key averments are made on the footing that the petitioner is "*advised*" or has "*learnt through social media*". The only documents are newspaper and web reports of notices issued in another State. Those notices are show-cause notices. They record a *prima facie* view and call for an explanation. They are not findings. We are told that one of the actors has challenged his notice before the Bombay High Court, so the matter is still open there. The notices also rest on a prohibition order specific to Maharashtra. An action taken by one State, on its own order and at a preliminary stage, gives us no basis to direct the authorities in Tamil Nadu to proceed against anyone.

(ii) The case of the petitioner rests on suspicion. He accepts that Elaichi is a recognised food product, that it is registered with the FSSAI, and that no law bars its advertisement. He also admits that he found no gutka or tobacco product sold by the sixth respondent under the Vimal brand. He adds only that such a possibility "*cannot be ruled out*". On that footing he wants this Court to order an inquiry under the tobacco law as

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well. A writ court does not order inquiries on the chance that something may turn up.

(iii) The allegation that the advertisement is surrogate is a question of fact**.** The answer depends on whether the advertised product is genuinely sold, how it is packaged and marketed, what the advertisement says and shows, and what the advertiser intended. The Food Safety and Standards Act, the Consumer Protection Act and the other laws cited already give the competent authorities the power to examine these matters, hear the advertiser and decide. We cannot declare the campaign surrogate on the basis of the affidavit filed by the petitioner, without any concrete substantiating material.

(iv) A mandamus needs a legal duty and a failure to perform it. The petitioner says the respondents "*are not taking any action*". Yet, he admits in his affidavit that he made no representation to any of them. An authority that has never been told of a grievance cannot be said to have ignored it. The petitioner could have complained to the Commissioner of Food Safety

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or to the Central Consumer Protection Authority, however, he chose to come directly to this Court.

6. In light of the above findings, this court holds that the writ petition is premature and lacks merit. Accordingly, the writ petition is dismissed. There shall be no order as to costs. The connected miscellaneous application is closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
11.11.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

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THE HON'BLE CHIEF JUSTICE
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