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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 464/2025**

MANDIR PUJARI SH ABHIMANYU SHARMAPetitioner

Through: Mr. Gurmukh Singh Arora, Mr. Rahul Nathru, Mr. Rajat Sangeliya, Ms. Aastha Thakur, Mr. Akshit Narula, Mr. Saurabh Gauba, Mr. Vishal Rathaur, Ms. Muskan Kaur Kalra, Ms. Ayushi Bisht, Mr. Navjot Gumber and Mr. Shivek Rai Kapoor, Advocates.

versus

GOVT OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. Varun Chugh, Senior Panel Counsel with Ms. Shreya Mittal, Mr. Vishal Kr. Chandel, Mr. Utsav A. Magotra and Ms. Nandita Mishra, Advocates. Mr. Manu Chaturvedi, Standing Counsel with Mr. Khwaja Umair, Advocate for MCD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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15.01.2025

1. The petitioner has filed the present petition *inter alia* praying as under:

**“IN THE PREMISES AND IN LIGHT OF THE FACTS
AND**



CIRCUMSTANCES OF THE PRESENT CASE, THIS HON'BLE COURT MAY GRACIOUSLY BE PLEASED TO:-

A. Issue the Writ of Mandamus or any other appropriate writ directing the respondents to take appropriate action and prohibit the selling and consumption of tobacco products near Mandir premises.

B. Issue the Writ of Mandamus or any other appropriate writ directing the respondents to take appropriate steps according to the Cigarette and other Tobacco Product (Prohibition of Advertisement and regulation of Trade and Commerce Act) 2003.

C. Issue the Writ of Mandamus or any other appropriate writ directing the respondents to take appropriate steps according to the letter written by the Ministry of Health and Family Welfare D.O No.P-16012/14/2017-TC to make conditions/ provisions which mandates the tobacco vendors to register with the municipal authority for a license to sell tobacco products and for not selling any non-tobacco products such as toffees, candies, chips, soft drinks etc. which are essentially meant for non-tobacco users, especially children.

D. Issue the Writ of Mandamus or any other appropriate writ directing the respondents to take steps and measures to maintain the sanctity and purity of the worship place of the temple

E. Pass such further order(s) as this Hon'ble court may deem fit and proper, in the facts and circumstances of the present case.”

2. It is the petitioner's case that tobacco products are being sold near religious structures including temples. According to the petitioner, it is necessary to prohibit sale of cigarettes and tobacco products near temples and other religious structures.



3. The petitioner also seeks that directions be issued to ensure that persons dealing in tobacco products do not sell any other items.
4. We do not consider it apposite to entertain this petition as a Public Interest Litigation. Needless to state that if the concerned authorities find any violation of the Cigarette and other Tobacco Product (Prohibition of Advertisement and Regulation of Trade and Commerce Act), 2003 or any rules made thereunder, the authorities are required to take the necessary action in accordance with law.
5. The petition stands disposed of in the aforesaid terms.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 15, 2025
yrj/Aj

[Click here to check corrigendum, if any](#)