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(A)

13607/11

Jayna Kothari

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 29<sup>TH</sup> DAY OF MARCH, 2011

PRESENT

THE HON'BLE MR. J. S. KHEHAR, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE A. S. BOPANNA

W.P. NO. 17958/2009 (GM-RES-PIL)Between:

The Cancer Patients Aid Association  
Having its Registered Office at 5,  
Malhotra House, Opposite GPO  
Mumbai - 400 001  
Having its Bangalore Branch  
Office at: 746, 8<sup>th</sup> Cross, 10<sup>th</sup> Main,  
Indiranagar 2<sup>nd</sup> Stage  
Bangalore - 560 008  
Rep. by its Chairman and  
Founding Member  
Mr. Yogendra K Sapru

...Petitioner

(By Smt. Jayna Kothari, Adv.)

And:

- 1 The State of Karnataka  
Health and Family  
Welfare Department  
Directorate of Health and  
Family Welfare Services  
Anand Rao Circle  
Bangalore - 560 009  
Rep. by its Principal Secretary
- 2 The State Anti-Tobacco Cell  
Ananda Rao Circle  
Bangalore - 560 009  
Rep. by its Chair Person



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- 3 The State of Karnataka  
Department of  
Pre-University Education  
18<sup>th</sup> Cross, Malleshwaram  
Sampige Road, Bangalore  
Rep. by its Commissioner
  - 4 The State of Karnataka  
Department of Education  
(Primary and Secondary)  
Room No. 641, 6<sup>th</sup> Floor  
M.S. Building,  
Bangalore --560 001  
Rep. by its Principal Secretary
  - 5 The Bruhat Bangalore  
Mahanagara Palike (BBMP)  
Bangalore  
Rep. by its Commissioner
  - 6 The Commissioner of Police  
Office of the Commissioner of Police  
Infantry Road  
Bangalore
- ...Respondents

(By Sri Basavaraj Kareddy, Prl. GA. for R1 to 4 & 6  
Sri K V Narasimhan, Adv. for R5)

This writ petition is filed under Articles 226 and 227 of the Constitution of India, praying to direct the R3 and R4 State Departments to take immediate action by directing all heads of educational institutions in Bangalore city to strictly implement Section 6 (B) of COTPA by ensuring that there is no sale of cigarettes or tobacco products within 100 yards of the institution, and to exhibit a board at a conspicuous place outside their premises stating that sale of tobacco within 100 yards is prohibited and that it is a punishable offence. The R3 & 4 State Departments should also be directed to submit an Action Taken Report to this Court as to the action taken by them to implement these directions and etc.,

This petition coming on for preliminary hearing this day, Chief Justice made the following:





ORDER

**J.S.KHEHAR, C.J. (Oral):**

Mr. Basavaraj Kareddy, learned Principal Government Advocate, having obtained instructions from Mr. Magi, Under Secretary, Department of Education, states that the State Government is seriously interested in implementation of the provisions of Cigarettes and Other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution), Act 2003, and as such, have made a compilation of the list of government aided and un-aided P.U. Colleges in the City of Bangalore. As a pilot project, Department of Education, will make available one car with one officer of the rank of Assistant Director of Pre-University Education to carryout inspection areawise, to determine whether or not, each P.U. college has installed a board of the nature contemplated and has ensured, that the cigarettes/tobacco vendors do not sell their products within 100 yards of the entrance of the college premises. This exercise, according to the learned Principal Government Advocate shall be carried out on every

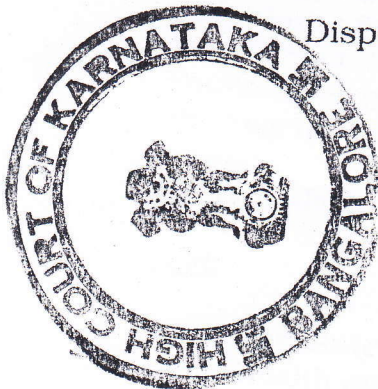
Jagdish Singh



Saturday, by associating the learned counsel for the petitioner herself, and/or an advocate nominated by her, till the entire process is completed, in respect of the remaining educational institutions at Bangalore.

2. In case of any violation, the State government shall take appropriate action and if, any such unauthorised structure has to be removed, the petitioner shall intimate the details of the violation committed to respondent no.5, who shall then take appropriate action, as may be called for, after following the prescribed procedure.

Disposed of in the aforesaid terms.



Sd/-  
Chief Justice

Sd/-  
Judge

The date on which the application was made 30/3/11

The date on which charges and additional charges if any, are called for 6/4/11

The date on which charges and additional charges, if any, are deposited/paid 6/4/11

The date on which the copy is ready 6/4/11

The date of notifying that the copy is ready for delivery 6/4/11

The date on which the applicant is required to appear on or before 6/4/11

The date on which the copy is delivered to the applicant 7-4-11

Submitted by lesmy

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*TSK*  
Section Officer  
High Court of Karnataka  
Bangalore-560 001. 6/4/11