

SWADESI JAGARAN MANCH

v.

STATE OF ORISSA & ANR.

(Transferred case no(s) 11 of 2002)

JULY 4, 2011

[R.V. RAVEENDRAN AND B. SUDERSHAN REDDY, JJ.]

Prevention of Food Adulteration Rules, 1955: r.44I – Prohibition on sale and manufacture of common salt – Writ petition no.80 of 2006 wherein constitutionality of r.44 was under challenge was disposed of and six months time was granted to Central Government to review position regarding universal iodisation – Transferred petitions 92/2009, 152/2009, 168/2009, 185/2009 and 218/2009 allowed in terms of judgment in Writ petition no.80 of 2006 – Writ petition no.175/2006 and Transfer case 11/2002 delinked from writ petition no.80 of 2006 since dispute therein did not relate to challenge to r.44I – In view of that, pending matters to be listed for further orders after six months.

CIVIL ORIGINAL JURISDICTION : Transferred Case No. 11 of 2002 etc.

Under Article 139A of the Constitution of India.

WITH

TC (C) No. 54, 55, 56, 57, 58 of 2011 And

WP (C) No. 80, 175 of 2006.

Dr. Aurobindo Ghose, Balraj Dewan, Vishwajit Singh, Himanshu Munshi for the Appellants.

Naresh Kaushik, Sadhana Sandhu, D.S. Mahra, Sushma Suri, B.B. Singh for the Respondents.

The following order of the Court was delivered

O R D E R

Transfer Petition (C) Nos.92/2009, 152/2009, 168/2009,

A 185/2009 and 218/2009 are allowed and the following writ petitions are transferred from the respective High Court to this Court :

(1) WP(C) No.4204/2006 on the file of the Madras High Court

B (2) WP(C) No.341/2006 on the file of the Bombay High Court

(3) WP(C) No.13082/2006 on the file of the Andhra Pradesh High Court

C (4) WP(C) No.13354/2006 on the file of the Karnataka High Court

(5) PIL No. 61/2006 on the file of the Bombay High Court

D 2. Judgment is pronounced in WP(C) No.80 of 2006 and the aforesaid five transferred cases, allowing them in terms of the Judgement.

E 3. Writ Petition (Civil) No.175/2006 and Transfer Case (Civil) No.11/2002 are delinked from the aforesaid cases which are disposed of, as they do not relate to challenge to Rule 44-I of Prevention of Food Adulteration Rules 1955. Transfer Case (Civil) No.11/2002 seeks quashing of a notification dated 15.10.2001 issued by the Director of Health Services, Orissa prohibiting sale and manufacture of common salt other than iodised salt for human consumption, issued in exercise of power under the relevant state Rules. Writ Petition (Civil) F No.175/2006 is filed seeking a direction to the central government to frame a uniform policy for the control of goitre and a direction regarding imposing ban on the manufacture of non-iodised salt all over the country.

G 4. While disposing of Writ Petition (Civil) No.80/2006, we have granted six months time to review the position regarding universal iodisation. In view of the above, list these two matters for further orders, after six months.

H D.G. Writ Petition (c) No. 175 of 2006 and Transfer case (c) No. 11 of 2002 are pending.