



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 1740 of 2026

and

WPMP CrI.Nos.613 & 614 of 2026

M/s.PRO ACCESS
Rep. by its Proprietor,
Pankaj Jain,
No.44, 4th Floor,
Langs Garden Road,
Pudupet, Chennai-600 002.

..Petitioner

Vs

1. The Commissioner of Police
No.132, EVK Sampath Road,
Vepery, Chennai-600 007.
2. The Inspector of Police
F-2, Egmore Police Station,
Egmore High Road, Egmore,
Chennai-600 008.

..Respondents

Prayer : Writ Petition (Criminal) has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents and their subordinate officers from interfering with the conduct of the Petitioner's business carried on in the name and style of Kafe Mirage having restaurant with separate smoking area for serving herbal flavour hookah without any content or trace of Tobacco/Nicotine.



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For Petitioner:

Mr.T.Promod Kumar Chopda
Senior Counsel
for P.Shivane

For Respondents:

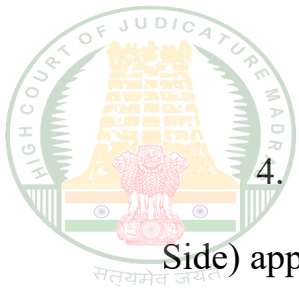
Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

The Writ Petition has been filed to forbear the respondents and their subordinate officers from interfering with the peaceful conduct of the petitioner's business, carried on in the name and style of "Kafe Mirage" having restaurant with separate smoking area for serving herbal flavoured hookah without any content or trace of Tobacco / Nicotine.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that the petitioner runs a restaurant under the name and style of "Kafe Mirage", wherein a separate room has been allocated exclusively for smoking for the convenience of the customers. Further their customers are demanding for herbal hookah and the petitioner has got all the facilities. Since the petitioner apprehending unnecessary interference and disturbance from the police and alleging that there is a restriction to use herbal hookah services at the restaurant. Hence, the present writ petition.



4. The learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondents submitted that with regard to herbal hookah, the respondent may not have serious objection. The only thing is under the guise of having hookah, some other Narcotics or any other substances not to be used. To verify the same and also to get an undertaking affidavit the respondent police insisted the petitioner to appear before them and to give an undertaking affidavit with details.

5. The learned Senior Counsel appearing on behalf of the petitioner, on instructions, submitted that the petitioner is ready to appear before the respondent police and give his clarification and also an undertaking affidavit that they will use the smoking area only for serving herbal flavoured hookah without any content or trace of tobacco/nicotine.

6. In the light of the above submission, the petitioner is directed to give an undertaking affidavit before the second respondent, to have a separate smoking area for serving herbal flavoured hookah without any content or trace of Tobacco/Nicotine. On receipt of the undertaking, the respondents are directed not to interfere with the business of the petitioner. It is made clear that the petitioner will strictly adhere to the undertaking and will not violate it by taking advantage of the order passed in this writ petition. If the respondents receive any tangible information, the respondents are at liberty to inspect the petitioner's restaurant and proceed in accordance with law.



7. With the above directions, this writ petition (Criminal) stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

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23-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP

Note : Issue order copy on 27.07.2026

To

1. The Commissioner of Police
No.132, EVK Sampath Road,
Vepery, Chennai-600 007.

2. The Inspector of Police
F-2, Egmore Police Station,
Egmore High Road, Egmore,
Chennai-600 008.

3. The Public Prosecutor,
High Court, Madras.



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WP CrI. No. 1740 of 2



G.K.ILANTHIRAIYAN J.

LPP

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