

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.15541 of 2015

M.Sathya Raj

.. Petitioner

vs

1. Commissioner of Police
Pantheon Road
Egmore, Chennai 600 008

2. The Commissioner
Corporation of Chennai
Ribbon Building
Chennai 600 003

3. The Inspector of Police
K8 Police Station
Arumbakkam
Chennai 600 106

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from prohibiting the usage of Hookahs in the bar situated at Hotel Poigai, No.14, Razaak Garden Main Road, M.M.D.A. Colony, Arumbakkam, Chennai 600 106.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.V.Subbiah
Special Government Pleader
for RR1 & 3

Mr.P.V.Selvakumar for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is the lessee of a restaurant under the name and style "Hotel Poigai" and he is also having a license issued by the Prohibition Department of Government

of Tamil Nadu, to run a Bar. The petitioner has also provided "Hookahs" and initially, it was banned and the Hon'ble Supreme Court of India in the judgment dated 8.12.2014, made in Civil Appeal Nos.10836 of 2014 batch etc., has passed orders holding that the usage of hookhas would be permissible. The petitioner, in this regard, has also submitted a representation dated 25.3.2015, to the respondents enclosing a copy of the above said judgment and in spite of receipt of the same, usage of hookhas by consumers/customers is sought to be interfered with and hence, he came forward to file this writ petition.

3.Heard the learned Counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader, who accepted notice for the respondents 1 and 3, and Mr.P.V.Selvakumar, learned Counsel, who accepted notice for the second respondent.

4.This Court, in the facts and circumstances of the case, permits the petitioner to submit one more representation to the respondents by enclosing a copy of his earlier representation as well as the judgment of the Hon'ble Supreme Court of India, within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, are directed to consider it in the light of the above said judgment, and pass orders within a period of six weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Nsv

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
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Egmore, Chennai 600 008
2. The Commissioner
Corporation of Chennai
Ribbon Building
Chennai 600 003

3. The Inspector of Police
K8 Police Station
Arumbakkam
Chennai 600 106

1 cc to M/s.N.Edwin Jayakumar, Advocate SR 26227

1 cc to Govt.Pleader, High Court, Madras SR 26429

rsk(co)
prk12/6

W.P.No.15541 of 2015



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