

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28743/2016

V.M.Jayaram

Vs.

..

Petitioner

1.The Commissioner of Police
No.132, Commissioner Office Building
EVK Sampathy Salai, Vepery
Chennai 600 007.

2.The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai 600 003.

3.The Inspector of Police
J5, Sasthri Nagar Police Station
Besant Nagar, Chennai.

..

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 petitioner's restaurant at
Sheesha Lounge Youth Cafe Beesee, at No.4, Block M-8, New No.1/4, 4th
Main Raod, Elliot Beach, Besant Nagar, Chennai 600090.

For Petitioner : Ms.Mahamandra Rajalakshmi
 For R1&R3 : Mr.A.N.Thambidurai, Spl.GP
 For R2 : Mr.P.V.Selvakumar

O R D E R

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

2 The petitioner would state that the 2nd respondent vide proceedings dated 06.03.2016, has granted license for the trade "Eating House" at the building bearing Door No.1,4, Besant Nagar, 4th Main Road, Besant Nagar, Chennai-600 090, subject to the following conditions:-

"[1]The Licensee shall cause the flooring of the premises to be paved or otherwise rendered impervious and suitably drained and at times be maintained in good order and repair. The premises shall be properly enclosed and provided with suitable gateways and gates.

[2]The licensee shall cause the premises to be cleaned and prevented any accumulation of filth or refuse therein.

[3]He shall cause every part of the internal surface of the walls and ceiling of every building upon the said premises to be limewashed in the months of January and July if so directed by the Commissioner.

[4] The licensee shall provide a sufficient supply of pure and wholesome drinking water.

[5] The licensee shall cause every means of ventilation and light as may be provided in or in connection with the said premises to be maintained

at all time in good orders and efficient action.

[6]An inspection book should be maintained in the licensed premises. The instructions given in the inspection book should be carried out within the time specified therein provided that such instructions and not in conflict within the provision of Act-IV of 1919.

[7]In case the business or trade is found to be a nuisance or otherwise objectionable, the Commissioner reserves to himself the right to revoke the license at any time.

[8]Licenses issued by the Corporation should be hung up in the prominent place."

2a According to the petitioner, he has provided all safety measures including close circuit TV cameras at the vantage points and also claims that he has fulfilled all the criteria for use of "Hookahs" in his restaurant by framing a designated area. The petitioner would further state that there are nearly 15 Restaurants in Chennai, who are allowed to serve Hookahs as well as 7 Premium Star Hotels are also having the said facility to serve the customers. The petitioner has also submitted a representation dated 29.07.2016 to the respondents praying for permission/usage of Hookahs in the designated area in his Restaurant / Eating House and though the said representation was received and acknowledged on 01.08.2016, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the

attention of this Court to the judgment of the Hon'ble Supreme Court of India reported in **2014 [15] SCC 689 [Narinder S.Chadha and others V. Municipal Corporation of Greater Mumbai and others]** and would submit that in the light of the said judgment, there cannot be any impediment on the part of the respondents to consider and dispose of the petitioner's representation dated 29.07.2016 in favour of the petitioner and prays for appropriate orders.

4 This Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 3 and Mr.P.V.Selvakumar, learned counsel who accepts notice on behalf of the 2nd respondent.

5 This Court, in the light of the above facts and circumstances, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 29.07.2016 on merits and in accordance with law, after taking note of the above cited judgment and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly. No costs.

18.08.2016

Index : No

Internet : Yes

AP

To

- 1.The Commissioner of Police
No.132, Commissioner Office Building
EVK Sampathy Salai, Vepery
Chennai 600 007.
- 2.The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai 600 003.
- 3.The Inspector of Police
J5, Sasthri Nagar Police Station
Besant Nagar, Chennai.

M.SATHYANARAYANAN, J.
AP

WP.No.28743/2016

18.08.2016