

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.13086 of 2019
and
W.M.P No.13213 of 2019

Hari Venkatesh Bhat

...Petitioner

Vs.

1. The Commissioner of Police,
Commissioner of Police Office,
Vepery, Chennai-600 007.
2. The Joint Commissioner of Police (East)
Old Police Commissioner Office Road,
Egmore, Chennai-600 008.
3. Assistant Commissioner of Police,
F2 Police Station, Egmore,
Chennai-600 008.
4. Inspector of Police,
F2 Police Station, Egmore
Chennai-600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful and lawful operation of his hotel/restaurant business.

For Petitioners : Mr. K.Prahalad Bhat

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor
for R1 to R4

ORDER

This writ petition has been filed for a direction to the respondent police not to interfere with the petitioner's peaceful and lawful operation of his business.

2. This Court, at the time of admitting the writ petition had granted an interim order restraining the respondent police from interfering with the business, unless, otherwise by due process of law.

3. The learned counsel for the petitioner submitted that inspite of the orders passed by this Court, the concerned police officer was interfering with the peaceful conduct of the business and therefore, a contempt petition has already been filed in that regard. The learned counsel further submitted that the concerned police officer had already been transferred to some other police station.

4. The learned counsel for the petitioner further brought to the notice of this Court, the orders passed by this Court in W.P No.6636 of 2019, wherein, this Court in a similar case, had passed the following order:

" 5. Perusal of the above said order would show that the police is not entitled to curtail the business hours, unless specific rule is framed by exercising the power under Section 39 of the Madras City Police Act, 1888.

6. The learned Special Government Pleader is not placing any rule framed to that effect, so far. Therefore, this Court is of the view that the respondents are not entitled to prevent the petitioner from running the hotel business during night hours, unless there is any other legal impediment against the petitioner to run such business.

7. Accordingly, this Writ Petition is allowed and the respondents are directed not to interfere with the petitioner's hotel business activities at Hotel Vasantha Bhavan, No.10, Dr.Muthulakshmi Street, Adyar, Chennai-20 and POT LUCK, No.10, TNHB Complex, L.B Road, Adyar, Chennai-20 merely, because the petitioner is running the said hotel during night hours as well. It is made clear that if the respondents come across any other reason against the petitioner in running such business which is found to be unlawful, it is open to them to take action in the manner known to law. No costs".

5. The above order passed by this Court will apply to the facts of the present case.

6. Therefore, this Writ Petition is disposed of in terms of the orders passed by this Court in W.P No.6636 of 2019. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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4. The Inspector of Police,
F2 Police Station, Egmore
Chennai-600 008.
5. The Public Prosecutor
High Court of Madras.

AKM/14.09.19/3P-6C /

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