



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.18608 OF 2021

AND

W.M.P.NO.19845 OF 2021

M/s.Aariyan Foods,
Rep by its Proprietor, Mr.Pramod Kumar,
14, Jaganathan Street,
Nungambakkam,
Chennai - 600 034.

... Petitioner

Versus

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery,
Chennai - 600 007.
2. The Assistant Commissioner of Police,
F-3 Police Station,
Nungambakkam,
Chennai-600 034.
3. The Inspector of Police,
F-3 Police Station,
Nungambakkam,
Chennai-600 034.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents forthwith from interfering with the peaceful conduct of the petitioner's restaurant business carried out in the name and style of "18-KAFE" at No.14, Jaganathan Street, Nungambakkam, Chennai - 600034 along with hookah in a designated smoking zone in pursuance of the order passed by the Hon'ble Supreme Court in Civil Appeal No.10846 of 2014 (Arising out of SLP (Civil) No.8143 of 2014).



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For Petitioner : Mr.K.Shivakumar

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to forbear the respondents from interfering with the peaceful conduct of the petitioner's restaurant business carried out in the name and style of "18-KAFE" at No.14, Jaganathan Street, Nungambakkam, Chennai along with hookah in a designated smoking zone in pursuance to the order passed by the Hon'ble Supreme Court in Civil Appeal No.10846 of 2014 (Arising out of SLP (Civil) No.8143 of 2014).

2.The learned counsel for the petitioner submitted that the petitioner after obtaining necessary license, had started the restaurant in the name of "18-KAFE" at No.14, Jaganathan Street, Nungambakkam, Chennai with hookah facility. During the COVID-19 pandemic period, the restaurant was closed, after lifting of lock down, the petitioner started his business. On 28.06.2021, the 3rd respondent on suspicion had entered the restaurant of the petitioner, made search and obtained written undertaking that no hookah facility would be made available in the restaurant. On 01.07.2021, the 3rd respondent shut down the petitioner's restaurant stating that the petitioner was running illegal business and threatened the staffs and caused annoyance and fear on the regular customers. The business of the petitioner is greatly affected due to COVID-19 lock down and he sustained loss of Rs.30 lakhs. Further, the petitioner is paying monthly rent of Rs.1.5 lakhs for the restaurant. Thus, the act of the 3rd respondent is not proper without any reason. In support of his arguments, the learned counsel for the petitioner relied on the decision of the Hon'ble Apex Court in the case of "Narinder S.Chadha & Ors., Versus Municipal Corporation of Greater Mumbai & Ors., reported in (2014) SCC 15 689."

3.The learned Additional Public Prosecutor appearing for the respondents submitted that as long as, the petitioners are following the Standard Operating Procedure taking all precautions. The 3rd respondent will not make any interference or be an obstructions for the business. The petitioner can carry on his business with necessary license following the Standard Operating Procedure.

4.In view of the same, the respondents are directed not to interfere in functioning of the restaurant of the petitioner, merely on suspicion and surmises. If the respondents receive



any tangible information, to record the same, inspect the petitioner's restaurant and proceed in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery,
Chennai - 600 007.
2. The Assistant Commissioner of Police,
F-3 Police Station,
Nungambakkam,
Chennai-600 034.
3. The Inspector of Police,
F-3 Police Station,
Nungambakkam,
Chennai-600 034.
4. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.K.Shivakumar, Advocate, S.R.No.69350

W.P.No.18608 of 2021

RR(CO)

RLP(07/01/2022)