



WEB COPY



W.P.No.30805 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.30805 of 2022

M/s.Pricol Gourmet Pvt. Ltd.,
A Partnership Firm,
Rep. by Partner,
Japtej Ahluwalia,
3rd & 4th Floor No.40,
2nd Main Road,
R.A.Puram, Chennai – 28.

...Petitioner

Vs.

1. The Commissioner of Police,
Chennai City,
Chennai – 600 007.

2. The Inspector of Police,
J8, Police Station,
Neelangarai, Chennai.

...Respondents

Writ Petition filed under Article 227 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 1st and 2nd respondents not to disturb the petitioner's peaceful running of the hookah business in its Restaurant and Bar premise namely “Green Meadows Beach Resort” at No.4/364A, Palavakkam, Chennai – 600 041 and consequently restrain the 2nd respondent Police from entering the Restaurant and Bar premises or disturbing hookah business of the Petitioner without any legal authority or without the prior permission as contemplated under law.



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For Petitioner : Mr.Harshavardhan.S

For Respondents : Mr.S.Santhosh,
Government Advocate (Crl. Side)

ORDER

This Writ Petition is filed to direct the respondents not to disturb the petitioner's peaceful running of the hookah business in its Restaurant and Bar premise namely “Green Meadows Beach Resort” at No.4/364A, Palavakkam, Channai – 600 041 and consequently restraining the 2nd respondent Police from entering into the Restaurant and Bar premises or disturbing hookah business of the Petitioner without any legal authority as contemplated under law.

2. The brief facts of the case are that the petitioner is a partnership firm, represented by its partner, Japtej Ahluwalia; the petitioner is involved in the business of running Restaurant and Bar with appropriate trade license, permits and safety certificates; the petitioner is also doing hookah service by getting due health trade license from the competent authorities; the business of the petitioner in hookah service, is strictly in accordance with the provisions contemplated under the Cigarettes and other Tobacco



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Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution), Act, 2003 shortly as “COPTA, 2033”; While so, the 2nd respondent Police have entered the premises on 25.06.2022 and 18.07.2022 without any authority or search warrant and threatened the Manager, staff members and bar tenderers from performing their duties and removed several hookah instruments. Even though there was no complaints against the petitioner's business, due to the above unwanted interference, the 2nd respondent Police has caused serious loss to the petitioner. Hence this Writ Petition.

3. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that the 2nd respondent will not interfere with the business of the petitioner unless it is alleged to be illegal. Since no complaints have been received from any sector and the petitioner has obtained due license for his business, it is not necessary for the 2nd respondent to get into the premises of the petitioner; if any representation is given by the petitioner, the respondents shall consider it and do the needful in accordance with law.



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R.N.MANJULA,J.

vum

4. Recording the above submission made by the learned Government

Advocate (Crl. Side), this Writ Petition stands disposed of. No costs.

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vum

Index:yes/No

Speaking order / Non speaking order

To

1. The Commissioner of Police,
Chennai City,
Chennai – 600 007.
2. The Inspector of Police,
J8, Police Station,
Neelangarai, Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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