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W.P.No.29826 of 2022



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 10.11.2022**

**CORAM:**

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.29826 of 2022**

Coin Cafe Restaurant,  
Rep. by its Partner,  
L.Jerome Santhosh  
Having Shop at  
No.45/20, Mookathal Street,  
Purasaiwalkam,  
Chennai - 600 007.

...

Petitioner

*versus*

1.The Commissioner of Police,  
No.132, E.V.K.Sampath Road,  
Vepery, Chennai - 600 007.

2.The Assistant Commissioner of Police,  
G-1 Police Station,  
Vepery, Chennai - 600 007.

3.The Inspector of Police,  
G-1 Police Station,  
Vepery, Chennai - 600 007.

...

Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, seeking for 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 “Coin Cafe Restaurant” at Old No.20, New No.45, Mookathal Street, Purasaiwalkam, Chennai-600 007 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).

For Petitioner : Mr.R.Lakshmi Narasimhan  
For Respondents : Mr.S.Santhosh  
Government Advocate (Crl.Side)

**ORDER**

This Writ Petition has been filed seeking for a mandamus to forbear the respondents from interfering with the peaceful conduct of the petitioner's restaurant business carried out in the name and style of “Coin Cafe Restaurant” at Old No.20, New No.45, Mookathal Street, Purasaiwalkam, Chennai-600 007 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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2. The learned counsel for the petitioner submitted that the petitioner is a partner of “Coin Cafe Restaurant” situated in Old No.20, New No.45, Mookathal Street, Purasaiwalkam, Chennai-600 007. He had obtained license from the Food Safety and Standards Authority of India on 18.03.2021. The restaurant consists of 30 tables and specifically earmarked a place for smoking area with 'hookah' [tobacco products used into hookah pipe] are within the specified norms. Even though the petitioner is conducting his business in a lawful manner, the respondent police came to his premises and causes interference and hence, the petitioner has filed this writ for seeking a direction.

3. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that a case has been registered against the petitioner in Crime No.376 of 2022 for the offence under Section 37 of Tamil Nadu City Police Act on the file of the Sub Inspector of Police, G-1 Police Station, Vepery, Chennai.



4. When a case has been registered against the petitioner, he cannot seek for any blanket direction against the respondents. Even in the earlier order obtained by the petitioner in W.P.No.18608 of 2021, this Court has passed the following order:-

“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. Since the F.I.R. has been registered in view of certain violations and action has not been taken against the petitioner on mere suspicion or surmises, the petitioner has to co-operate for the enquiry conducted by the third respondent police. Since the respondents are also aware of the earlier order made in W.P.No.18608 of 2021, no action shall be taken unless there is violation of any Rules and Regulations. Since the petitioner has also given a representation on 26.09.2022, the respondents shall make an enquiry on the same and do the needful in accordance with law within a period of two weeks from the date of receipt of a copy of this order.



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6. With the above observations, this Writ Petition stands

disposed of. No costs.

**10.11.2022**

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

- 1.The Commissioner of Police,  
No.132, E.V.K.Sampath Road,  
Vepery, Chennai - 600 007.
- 2.The Assistant Commissioner of Police,  
G-1 Police Station,  
Vepery, Chennai - 600 007.
- 3.The Inspector of Police,  
G-1 Police Station,  
Vepery, Chennai - 600 007.
- 4.The Public Prosecutor,  
Madras High Court,  
Chennai.



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**R.N.MANJULA, J.**

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