



WEB COPY



W.P.No.26551 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.9.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.26551 of 2023
and W.M.P.Nos.25956 & 25957 of 2023

M/s.Vinny Foods
Rep by its Proprietor, Mr.Jay Shah,
16/1, Wallace garden 2nd Street,
Thousand Lights West,
Nungambakkam,
Chennai-600 006.

... Petitioner

Vs.

1. The Commissioner of Police,
No.132, EVK Sampath road,
Vepery,
Chennai-600 007.
2. The Assistant Commissioner of Police,
Greems Road, Nungambakkam,
Thousand Lights,
Chennai-600 006.
3. The Inspector of Police,
F-4, Police Station,
No.129, Greems Road,
Thousand Lights,
Chennai-600 006.

... Respondents

PRAYER : Writ Petition filed under Article 226 of constitution of India to



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issue a Writ of Mandamus forbearing the Respondents and their subordinate officers from interfering with the conduct of the Petitioner's business carried on in the name and style of "KAFFE LATTE" having restaurant with separate smoking area for serving herbal flavour hookah without any content or trace of Tobacco/Nicotine.

For Petitioner : Mr.T.Pramod Kumar Chopda
Senior counsel
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of Mandamus forbearing the respondents from interfering with the business of the petitioner carried in the name of "Kafe Latte".

2. When the writ petition came up for hearing on 11.09.2023, the learned Senior counsel appearing on behalf of the petitioner submitted that the respondent police do not have any authority to interfere with the business and close down the restaurant. The learned Senior counsel submitted that the restaurant has been closed from 29.08.2023 and that the petitioner has been put to irreparable loss and hardship. In view of this submission, this Court directed the learned Additional Public Prosecutor to take instructions and report before this Court. Accordingly, the matter was posted for hearing today.



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3. The learned Additional Public Prosecutor on instructions submitted that the petitioner is running a restaurant with a separate smoking area for serving herbal flavored hookah. However, there was a complaint that the hookah also contained tobacco / nicotine and therefore, an inspection was made. The learned Additional Public Prosecutor submitted that if the petitioner continues to have the smoking area only for serving herbal flavored hookah, the respondent police will not interfere with the running of the business. The learned Additional Public Prosecutor submitted that the petitioner must give a specific undertaking that they will not permit the smoking of hookah apart from the herbal flavored hookah.

4. The learned Senior counsel appearing on behalf of the petitioner submitted that such an undertaking has already been given in the affidavit filed in support of the writ petition at Paragraph No.10. It was further submitted that the petitioner is willing to give one more undertaking before the 3rd respondent that they will use the smoking area



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only for serving herbal flavored hookah without any content or trace of tobacco / nicotine.

5. In the light of the above submissions, there shall be a direction to the petitioner to give an undertaking letter before the 3rd respondent, to have a separate smoking area for serving herbal flavored hookah without any content or trace of Tobacco / nicotine. On receipt of the undertaking, the respondents are directed not to interfere with the business of the petitioner. It is made clear that the petitioner will strictly adhere to the undertaking and will not violate it by taking advantage of the order passed in this writ petition.

6. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

14.09.2023

Index : Yes/No

Internet : Yes/No

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Note : Issue order copy on 15.09.2023



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To
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4. The Public Prosecutor, High Court, Madras.



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N.ANAND VENKATESH,J

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