



WEB COPY



W.P.No.27745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.9.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27745 of 2023
and W.M.P.No.27235 of 2023

M/s.Brindavanam Manamagizh Mandram,
Society Rep. by its Secretary,
Mr.S.HArichandran,
No.50(150) Kodambakkam High Road,
Dr. MGR Salai, Nungambakkam,
Chennai - 34

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City, Chennai 600 007
2. The Deputy Commissioner of Police,
(Triplicane Range), Chennai
3. The Assistant Commissioner of Police,
(Nungambakkam Range), Chennai.
4. The Inspector of Police, F-3 Police Station,
Nungambakkam, Chennai

... Respondents

PRAYER : Writ Petition filed under Article 226 of constitution of India to issue a Writ of Mandamus forbearing the Respondents from interfering in relation to the running of their Restaurant cum Bar premise namely "The



W.P.No.27745 of 2023

Thief” along with Herbal Hookah Services (without any content or trace of Tobacco and Nicotine) at No.50(150) Kodambakkam High Road, Dr.M.G.R.Salai, Nungambakkam, Chennai 34.

For Petitioner : Mr.C.Vidhusan
For Respondents : Mr.A.Gopinath
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 “The Thief”.

2. The learned counsel for the petitioner submitted that the respondent police do not have any authority to interfere with the business and close down the restaurant cum bar. The learned counsel further submitted that the restaurant cum bar has been closed from 20.08.2023 and that the petitioner has been put to irreparable loss and hardship.

3. The learned Government Advocate on instructions submitted that the petitioner is running a restaurant cum bar with a separate smoking area for serving herbal flavored hookah. However, there was a



W.P.No.27745 of 2023

complaint that the hookah also contained tobacco / nicotine and therefore, an inspection was made. The learned Government Advocate further 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 Government Advocate further 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 counsel for the petitioner submitted that such an undertaking has already been given in the affidavit filed in support of the writ petition at Paragraph No.20. It was further submitted that the petitioner is willing to give one more undertaking before the 4th respondent that they will use the smoking area 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 4th



W.P.No.27745 of 2023

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 petition is closed.

22.09.2023

Index : Yes/No

Internet : Yes/No

rka

Note : Issue order copy on 25.09.2023



WEB COPY



W.P.No.27745 of 2023

To

1. The Commissioner of Police,
Chennai City, Chennai 600 007
2. The Deputy Commissioner of Police,
(Triplicane Range), Chennai
3. The Assistant Commissioner of Police,
(Nungambakkam Range), Chennai.
4. The Inspector of Police, F-3 Police Station,
Nungambakkam, Chennai
4. The Public Prosecutor, High Court, Madras.



WEB COPY



W.P.No.27745 of 2023

N.ANAND VENKATESH,J

rka

W.P.No.27745 of 2023

22.09.2023