



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27818 of 2023
and W.M.P.No.27313 of 2023

Fairoze

...Petitioner

Vs.

1.The Commissioner of Police – Chennai City,
EVK Sampath Road, Vepery, Periyamet,
Chennai – 600 007.

2.The Deputy Commissioner of Police,
(Triplicane Range), Chennai.

3.The Assitant Commissioner of Police,
(Nungambakkam Range), Chennai.

4.The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, direct the respondents from interfering with the running of restaurant in name of “Mist Cafe & Restaurant” along with Herbal Hookah service



in No.93, Murugesan Nayakar Complex, Greams Road, Thousand Lights, Chennai

WEB – 600 006.

For Petitioner : Mr.V.Ramamurthy
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents from interfering with the business of the petitioner carried in the name of “Mist Cafe & Restaurant”.

2.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 counsel submitted that the restaurant has been closed from 30.08.2023 and that the petitioner has been put to irreparable loss and hardship.

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 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.8. 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 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.

27.09.2023

Speaking Order : Yes/No

Index : Yes/No

Internet : Yes/No

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To

- 1.The Commissioner of Police – Chennai City,
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Chennai – 600 007.
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(Triplicane Range), Chennai.
- 3.The Assitant Commissioner of Police,
(Nungambakkam Range), Chennai.



4.The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

SSI

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