



W.P.Crl.No.1374 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 22.06.2026

CORAM :

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Crl.No.1374 of 2026

Syed Shakeel Uddin

.. Petitioner

Versus

1. The Assistant Commissioner of Police,
Near Luz Corner & Dinakaran Office,
Kutchery Road, Mylapore – 600 004.

2. The Inspector of Police,
E-1 Mylapore Police Station,
Mylapore, Chennai – 600 004.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, forbearing the respondents from interfering in relation to the running of their Restaurant premise namely “HIDE OUT VEG LOUNCE” along with Herbal Hookah services (without any content or trace of Tobacco and Nicotine) No.129/3, 65/3, Thiru Vi Ka High Road, Mylapore, Chennai – 600 004.

For Petitioner : Mr.K.Arul Kavi Mani

For Respondents : Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(Criminal Side)



W.P.Crl.No.1374 of 2026

ORDER

WEB COPY

This Writ Petition is filed for a direction to the respondents not to interfere with the running of petitioner's restaurant premise namely "HIDE OUT VEG LOUNCE" along with Herbal Hookah services (without any content or trace of Tobacco and Nicotine) No.129/3, 65/3, Thiru Vi Ka High Road, Mylapore, Chennai – 600 004.

2. The case of the petitioner is that the petitioner restaurant is functioning at No.129/3, 05/3, Thiru Vi Ka High Road, Mylapore, Chennai, after obtaining required licenses. It is further stated that the petitioner restaurant also provides supply of Herbal Hookah to its customers, which is free from tobacco or any other banned substances like Nicotine and it is not supplying anything that is prohibited under the COTPA Act. While so, the respondent police are repeatedly causing an unrest in the petitioner restaurant under the guise of inspection. Aggrieved by the same, a representation has been made before the respondents on 20.04.2026 in this regard. However, till date no action has been taken on the said representation. Hence, the present petition has been filed.



W.P.Crl.No.1374 of 2026

WEB COPY

3. Learned counsel for the petitioner submitted that a similar issue has already been considered by this Court in W.P.Crl.No.560 of 2025, wherein, a Co-ordinate Bench of this Court, vide order dated 19.08.2025 directed the petitioner therein to approach the FSSAI Authorities to prove that the products do not contain any tobacco and further directed the respondent police not to interfere with the business of the petitioner therein.

4. Learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondents did not dispute the above submission made by the learned Counsel for the petitioner.

5. This Court perused the order passed in W.P.Crl.No.560 of 2025, wherein, this Court has held as under :-

“7. It is the consistent stand of the respondents that they are not disturbing the petitioner in running the restaurant. If the petitioner is of the view that his products do not contain any tobacco or nicotine, it is for the petitioner to satisfy the competent Authorities particularly Food Safety and Standards Authority of India (FSSAI).

8. In this regard, by way of amendment brought by the State Government under L.A.Bill No.57 of 2022, Section 4A was introduced, which prohibits hookah bars. Therefore, whether the petitioner-s hookah contains tobacco or not is an issue that has to be



WEB COPY



W.P.Crl.No.1374 of 2026

determined by the competent authority.

9. On considering the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Food Safety and Standards Act, if the product used in the hookah is tobacco containing nicotine, it will fall under the COTPA Act. Otherwise also the inhalation of a smoke derived from any product other than tobacco containing nicotine, it will fall within the definition of food under Section 2(za) of the Food Safety and Standards Act. Therefore, if at all the petitioner herein wants to run an enclosed zone for herbal hookah, first of all, he has to satisfy that his trade is not in a public place which includes restaurant and does not fall under the prohibition of Cigarettes and Other Tobacco Products Act.

10. He cannot use tobacco or any product containing nicotine, in view of the prohibition under Section 4(A) of the COTPA Act, and in case if we want to use any other product other than product containing nicotine and claims it to be a herbal product, it must be in satisfaction with the provisions of Food Safety and Standards Act, 2006.

11. Accordingly, the petitioner is directed to approach FSSAI Authorities and place before them all the ingredients used in the preparation of hookah in his premises. The Food Safety Officer may draw samples and send them to a laboratory for testing. If it is satisfied that the products do not contain any tobacco or nicotine, the petitioner is at liberty to continue his business in respect of running of the hookah bar.

12. Insofar as the running of the restaurant is concerned, the respondent shall not interfere with the petitioner-s business. However, it is made clear that the respondents Police are at liberty to take action if any illegal activities are found to be carried on in the petitioner-s premises.”

6. The aforesaid decision is squarely applicable to the facts of the present case. Accordingly, applying the ratio laid down in the above



W.P.Crl.No.1374 of 2026

case, this Writ Petition stands disposed of with a direction to the petitioner

to approach the FSSAI Authorities and place before them all the ingredients used in the preparation of hookah in its premises and the Food Safety Officer may draw samples and send them to a laboratory for testing.

If it is satisfied that the products do not contain any tobacco or nicotine, the petitioner is at liberty to continue its business in respect of running of the hookah bar. Further, the respondent officials shall not interfere with the petitioner business. However, it is made clear that the respondent Police are at liberty to take action, if any illegal activities are found to be carried on in the petitioner's premises. There shall be no order as to costs.

22.06.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Public Prosecutor,
High Court of Madras.
2. The Assistant Commissioner of Police,
Near Luz Corner & Dinakaran Office,
Kutchery Road, Mylapore – 600 004.
3. The Inspector of Police,
E-1 Mylapore Police Station,
Mylapore, Chennai – 600 004.

5/6



WEB COPY



W.P.Crl.No.1374 of 2026

G.K.ILANTHIRAIYAN, J.

grs

W.P.Crl.No.1374 of 2026

22.06.2026