

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NOS: 31747 AND 31762 OF 2025

W.P.No.31747 of 2025

Between:

Happi Cafe, ,Sy.No.88AA, Nanakaramaguda, Circle 20, Hyderabad, Telangana State-500008 Rep by its Proprietor, Smt. Rajanaku Anusha W/o Late Hamandh Ajay Kumar, Aged about 27 years, Occ Business, R/o H.No.2-3-703, Flat No.301, Agarwal Tower, Tirumala Nagar, Amberpet, Hyderabad, Telangana State-500013.

.....PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Telangana State.
3. The Deputy Commissioner of Police, Madhapur Zone, Cyberabad Commissionerate, Telangana State.
4. The Assistant Commissioner of Police, Madhapur Division, Cyberabad Commissionerate, Telangana State.
5. The Station House Officer, Raidurgam Police Station, Cyberabad Commissionerate, Telangana State.
6. The Special Operation Team (SOT), Narsingi, Cyberabad Commissionerate, Telangana State.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents and their subordinates interfering into the business activities of the Petitioner without

following due process of law as illegal, arbitrary, discriminatory, violative of Article 14, 19 (1) (g) of the Constitution consequently direct the Respondents and their subordinates not to interfere with the business activities of the Petitioner being run in the name and style as Happi Cafe, situated at Sy.No.88AA, Nanakaramaguda, Circle 20, Hyderabad, Telangana State-500008.

I.A.NO:1 OF 2025

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to interfere with the business activities of the Petitioner being run in the name and style as Happi Cafe, situated at Sy.No.88AA, Nanakaramaguda, Circle 20, Hyderabad, Telangana State-500008, and also not to harass the Petitioner in any manner by considering the Petitioner's representation dated 14.10.2025, pending disposal of main writ petition.

Counsel for the Petitioner : SRI HABEEB ABUBAKAR ALHAMED

Counsel for the Respondents : SRI R.LAXMIKANTH REDDY, AGP FOR HOME

W.P.NO: 31762 OF 2025

Between:

VIA MOKA, Sy No. 222/4 and 222/7, GOVTJANNVADA, SHANKARPALLE, RANGAREDDY, Rep.by its owner, HARJEET SINGH PARMAR S/o LATE GURDEV SINGH PARMAR, Occ. Business, Aged about. 45 years, 4 Thumkunta, Shamir pet Mandal, Thumkunta, K.V. Ranga Reddy, Telangana.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Telangana State.
3. The Deputy Commissioner of Police, Rajendernagar Zone, Cyberabad Commissionerate, Telangana State.
4. The Assistant Commissioner of Police, Narsingi Division, Janwada Village Mainroad, Shankarpally Mandal, Ranga Reddy, TS, 500075.
5. The Station House Officer, Mokila Janwada Village Mainroad, Shankarpally Mandal, Ranga redy TS, 500075.

6. The Special Operation Team (SOT), Rajenderanagar Cyberabad
Commissionerate, Telangana State.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents and their subordinates interfering into the business activities of the Petitioner without following due process of law as illegal, arbitrary, discriminatory, violative of Article 14, 19 (1) (g) of the Constitution consequently direct the Respondents and their subordinates not to interfere with the business activities of the Petitioner being run in the name and style as VIAMOKA Sy. No.222/4 and 222/7, GOVT. JANWADA, SHANKARPALLE RANGA REDDY.

I.A.NO:1 OF 2025

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to interfere with the business activities of the Petitioner being run in the name and style as VIAMOKA Sy No.222/4 and 222/7, GOVT JANWADA, SHANKARPALLE, RANGA REDDY and also not to harass the Petitioner in any manner by considering the Petitioner's representation dated 07/10/2025, pending disposal of main writ petition.

Counsel for the Petitioner : SRI HABEEB ABUBAKAR ALHAMED

Counsel for the Respondents : SRI R.LAXMIKANTH REDDY, AGP FOR HOME

The Court made the following COMMON ORDER

1

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION Nos.31747 and 31762 OF 2025

COMMON ORDER:

W.P.No.31747 of 2025

This Writ Petition is filed under Article 226 of Constitution of India seeking the following relief/s:-

“...pleased to issue any Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents and their subordinates interfering into the business activities of the Petitioner without following due process of law as illegal, arbitrary, discriminatory, violative of Article 14, 19 (1) (g) of the Constitution consequently direct the Respondents and their subordinates not to interfere with the business activities of the Petitioner being run in the name and style as Happi Cafe, situated at Sy.No.88AA, Nanakaramaguda, Circle 20, Hyderabad, Telangana State-500008.....”

W.P.No.31762 of 2025

This Writ Petition is filed under Article 226 of Constitution of India seeking the following relief/s:-

“...to issue any Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents and their subordinates interfering into the business activities of the Petitioner without following due process of law as illegal, arbitrary, discriminatory, violative of Article 14, 19 (1) (g) of the Constitution consequently direct the Respondents and their subordinates not to interfere with the business activities of the Petitioner being run in the name and style as VIAMOKA Sy. No.222/4 and 222/7, GOVT. JANWADA, SHANKARPALLE RANGA REDDY.....”

2. Heard Mr.Habeeb Abubakar Alhamed, learned counsel for the petitioner and Mr.R.Laxmikanth Reddy, learned Assistant Government Pleader for Home appearing for respondent Nos.

1 to 6.

3. Learned counsel for the petitioners submits that the petitioners respective representations dated 07.10.2025 and 14.10.2025, addressed to respondent No.2-the Commissioner of Police, seeking permission to operate a designated smoking area in the cafe in compliance with the provisions of the *Cigarettes and Other Tobacco Products Act, 2003 (COTPA Act)*, have not been considered. He further submits that a Coordinate Bench of this Court, in W.P. No. 19968 of 2025, by order dated 04.09.2025, had considered similar representations and directed the respondent police authorities to pass appropriate orders. Hence, he prays that a similar direction be issued in the present case.

4. Since the issue involved in both these Writ Petitions is identical, they have been heard together and are being disposed of by this common order.

5. Learned Assistant Government Pleader for Home submits that the police authorities have not received the petitioners representations dated 07.10.2025 and 14.10.2025, as alleged in the writ petition. However, he submits that if such representations are received, the competent authority will consider the same and pass appropriate orders in accordance with law. He further states that he has no objection if such a direction is issued by this Court.

6. I have perused the material available on record.

7. The solitary grievance of the petitioners is that their representations dated 07.10.2025 and 14.10.2025 submitted to the Commissioner of Police have not been considered and no order has been passed thereon.

8. This Court, in W.P. No. 19968 of 2025, having regard to the relevant provisions of the *City Police Act, 1348 Fasli*, had directed the petitioner therein to submit representations to the competent authority afresh and directed for passing an appropriate order in accordance with law. Having regard to the similarity of the issue involved in the present writ petition, and there being no objection from the respondents, this Court finds it appropriate to issue a similar direction.

9. Accordingly, the petitioners are directed to submit fresh representations to the police authorities concerned within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such representations, the respondent police authority concerned shall consider the same and pass a reasoned order strictly in accordance with law, preferably within four (4) weeks and communicate the decision to the petitioner.

10. With the above direction, these Writ Petitions stand disposed of. No order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

**SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Home Department, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Telangana State.
3. The Deputy Commissioner of Police, Rajendernagar Zone, Cyberabad Commissionerate, Telangana State.
4. The Assistant Commissioner of Police, Narsingi Division, Janwada Village Mainroad, Shankarpally Mandal, Ranga Reddy, TS, 500075.
5. The Station House Officer, Mokila Janwada Village Mainroad, Shankarpally Mandal, Ranga reddy TS, 500075.
6. The Special Operation Team (SOT), Rajenderanagar Cyberabad Commissionerate, Telangana State.
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to SRI HABEEB ABUBAKAR ALHAMED, Advocate [OPUC]
9. Two CD Copies

**SA
BS**

[Signature]

HIGH COURT

DATED:23/10/2025

COMMON ORDER

WP.Nos.31747 AND
31762 of 2025



DISPOSING OF THE BOTH
WRIT PETITIONS WITHOUT COSTS.

12 MT
4/11/25