

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE
PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 32063 OF 2025

Between:

Kuna Gowrish Giridhar Goud, S/o. Koona Manikyam Gourish Goud, Aged about 30 years, Occ: Business, R/o.H.No. 6-96/2, K M G Colony, Near Triveni Talent School, Chintal, Quthbullapur, Medchal-Malkajigiri District, Telangana-500055.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat Building, Hyderabad.
2. The Director General of Police, The State of Telangana, Hyderabad.
3. Commissioner of Police, Cyberabad, Gachibowli, Hyderabad.
4. The Station House Officer, Petbasheerabad Police Station, Cyberabad, Medchal-Malkajigiri District.

...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, more particularly respondent Nos.3 to 4 police, their subordinate officers in interfering into Business and harassing the petitioner by calling them to the police station as illegal, arbitrary, in violation of principles of natural justice and in violation of Art-14 and 21 of the Constitution of India and consequently to direct the respondent Nos.3 to 4 not to interfere in business including direction not to harass the petitioner by calling them to their police station/offices.

IA 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 respondent Nos.3 to 4 not to interfere in Business including direction not to harass the petitioner by calling them to their police station/offices and also threatening in phone and pending disposal of the above writ petition.

Counsel for the Petitioner: SRI RAMA KRISHNA KULKARNI, Advocate
representing **SRI MADHUSUDHAN P**
Counsel for the Respondents: MR R. LAXMIKANTH REDDY, AGP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No. 32063 OF 2025

ORDER:

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

"...to issue any Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents, more particularly, respondent Nos. 3 to 4 police, their subordinate officers in interfering into Business and harassing the petitioner by calling them to the police station, as illegal, arbitrary, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and consequently to direct the respondent Nos. 3 to 4 not to interfere in business including direction not to harass the petitioner by calling them to their police station/offices and pass such other order or orders..."

2. I have heard Mr. Rama Krishna Kulkarni, learned counsel, representing Mr. Madhu Sudhan P, learned counsel for the petitioner and Mr. R. Laxmikanth Reddy, learned Assistant Government Pleader for Home, appearing on behalf of the respondents.

3. Learned counsel for the petitioner pleads that seeking a direction to the respondent authorities to permit the petitioner to continue his business on serving *flavoured Hookah* without any hindrance or restriction except under law. The respondent police authorities are interfering in the name of regulation and imposing unreasonable

restrictions without any lawful authority. Therefore, he prayed for necessary directions.

4. Learned Assistant Government Pleader for Home, submits that the act of serving *Hookah* necessarily implies the supply of tobacco products. However, the nature of the substances being used in the preparation of *flavoured Hookah* has not been clearly specified by the petitioner. Apart from certain vague assertions, no specific particulars have been furnished as to the alleged manner of interference by the respondent authorities. However, fairly concedes that in similar matters this Court has directed petitioners/business establishments to comply with certain conditions, and upon such compliance, the respondent police authorities were directed not to interfere with their business activities. In view of the above, he prays that appropriate orders be passed in the instant matter.

5. I have perused the material on record.

6. The petitioner is running a *Hookah* Centre under the name and style of '*Café Story at Venkateshwara Enclave, Suchitra, Jeedimetla, Quthbullapur, Medchal-Malkajgiri*' and contends that the respondent police authorities, without any legal prescription, are interfering with his business of serving *flavoured Hookah*.

7. In this context, it is pertinent to note that a Coordinate Bench of this Court, in *W.P. No. 15944 of 2022* decided on 08.12.2022, examined the

question as to whether a licence is required for running a *Hookah Center* under the provisions of the *Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003* ('COTP Act') and upon due consideration, recorded its conclusion in the following terms:

"Though the Act does not contemplate any licence to be taken, in the larger interest of the youngsters, who are visiting the hookah centres, the restaurant owners shall have a definite place for hookah / smoking. The restaurant owners, who are having a separate place for smoking and for hookah consumption, shall inform the same to the Station House Officer, so that they can have surveillance on the activities that are taking place in the said place and whether the business is carried out as per the norms and the procedure laid down under the Act. Police under the guise of this, shall not harass the persons running these centres without following the procedure. The officers, who are competent alone can enter the premises. If there is any high-handed action on the part of the police, the same shall be brought to the notice of the higher authorities and they shall cause enquiry into the same and take appropriate action."

8. Furthermore, in an analogous matter, this Court issued certain directions and, upon compliance by the petitioner, restrained the respondent police from interfering with the petitioner's business. For ready reference, the relevant directions are reproduced hereunder:

"In the light of the interim order granted by this Court in identical matters, there shall be an order alike in this matter also in the following terms:

If the petitioner installs video cameras, either open or concealed, records its operations and also undertakes to preserve the recordings for a minimum of fifteen days period, so that the police, in case of suspicion or necessity, can replay the footage and examine as to whether any undesirable elements or young persons in conflict with law are frequently visiting the petitioner's café for hookah, the petitioner's café may be permitted to carry on its operations. Learned Assistant Government Pleader for Home would suggest that:

- i) The Hookah centres shall not be kept open beyond 11.00 p.m. for its customers;*
- ii) They must necessarily exhibit the signboard that they are Hookah centres; and*
- iii) They must also exhibit the notice board that children below the age of 18 are not liable to be entertained as guests, even for any other recreational purpose including consumption of coffee inside the Hookah Centres."*

9. That apart, a batch of Writ Petitions filed by persons similarly placed as the petitioner was considered in W.P. No. 8223 of 2013 and connected matters, decided on 15.11.2023, concerning the operation of hookah centers. The relevant portion of the said judgment is extracted hereunder for ready reference:

"In view of the above discussion, this Court is of the opinion that imposing of certain conditions to run the Hookah Centres would meet the ends of justice.

i). As Charcoal is being used for serving hookah in the Hookah Centres, the petitioners shall obtain licence from the Municipal Corporation as specified under Section 521(1)(b) of Greater Hyderabad Municipal Corporation Act, 1955.

ii). Since the Hyderabad City Police Act, 1348 Fasli confers power over the amusement Centres/restaurants which are defined as "public place" under the COTP Act and as per Rule 4 of the Prohibition of Smoking in Public Places Rules, 2008 permission is required specifying smoking area. Therefore, to establish hookah centres, the petitioners shall obtain necessary permission from the

concerned authority under the provisions of the City Police Act.

iii). The Hookah Centres are prohibited from serving any tobacco product to the persons below the age of eighteen years. Pictorial health-warning labels at the entrance must be displayed.

iv). The respondents-police are at liberty to supervise and inspect the Hookah Centres, for any violation of rules and regulations, guidelines or circulars issued under the provisions of the Hyderabad City Police Act, 1348 Fasli.

v). If there is any violation of the provisions of the COTP Act and the Rules made thereunder, the respondents-police are at liberty to take appropriate action as per the provisions of the COTP Act.

25. Subject to fulfilling the above conditions and also the provisions of COTP Act, the respondents-police are directed not to interfere with the business activity of the petitioners for running Hookah Centres. If the police are found to act in a highhanded manner, the owners of the Hookah Centres are at liberty to bring the same to the notice of the Director General of Police/Commissioner of Police, as directed by this Court in Writ Petition No.3202 of 2014 and batch, in which event the said authority shall forthwith take necessary steps in that regard."

10. In view of the settled legal principles discussed hereinabove, and there being no distinguishing features or exceptional circumstances brought to the notice of this Court warranting a deviation, it is considered just and appropriate to dispose of the present writ petition by directing the petitioner to strictly comply with the following directions.

- i. The business place must necessarily exhibit the signboard that they are Hookah Centres;
- ii. They must also exhibit the notice board that children below the age of 18 are not liable to be entertained as guests,

even for any other recreational purpose including consumption of coffee inside the Hookah Centres.

- iii. The Hookah Centres shall not be kept open beyond 11.00 p.m. for its customers;
- iv. The Hookah Centres are prohibited from serving any tobacco product to the persons below the age of eighteen years. Pictorial health-warning labels at the entrance must be displayed.
- v. If the petitioner shall install video cameras, either open or concealed, records its operations and shall preserve the recordings for a minimum of thirty days period, so that the police, in case of suspicion or necessity, can replay the footage and examine as to whether any undesirable elements or young persons in conflict with law are frequently visiting the petitioner's café for hookah.
- vi. As Charcoal is being used for serving hookah in the Hookah Centres, the petitioner shall obtain licence from the Municipal Corporation as specified under Section 521(1)(b) of Greater Hyderabad Municipal Corporation Act, 1955.
- vii. Since the Hyderabad City Police Act, 1348 Fasli confers power over the amusement Centres/Restaurants which are defined as "public place" under the COTP Act and as per Rule 4 of the Prohibition of Smoking in Public Places Rules, 2008, permission is required specifying smoking area. Therefore, to establish hookah centres, the petitioner shall obtain necessary permission from the concerned authority under the provisions of the City Police Act.

viii. The respondents-police are at liberty to supervise and inspect the Hookah Centres, for any violation of rules and regulations, guidelines or circulars issued under the provisions of the Hyderabad City Police Act, 1348 Fasli.

ix. If there is any violation of the provisions of the COTP Act and the Rules made thereunder, the respondents-police are at liberty to take appropriate action as per the provisions of the COTP Act.

11. Subject to the petitioner's strict compliance with the conditions stipulated hereinabove, and with the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 ('COTP Act'), the respondent police authorities are directed not to cause any interference in the lawful business activities of the petitioner. In the event of any deviation by the petitioner, it shall be open to the respondent police authorities to initiate and pursue appropriate proceedings in accordance with law.

12. With the above direction, this Writ Petition is allowed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, Secretariat Building, State of Telangana, Hyderabad.
2. The Director General of Police, The State of Telangana, Hyderabad.
3. Commissioner of Police, Cyberabad, Gachibowli, Hyderabad.
4. The Station House Officer, Petbasheerabad Police Station, Cyberabad, Medchal-Malkajgiri District.
5. One CC to SRI MADHUSUDHAN P, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

DATED:24/10/2025

ORDER

WP.No.32063 of 2025



ALLOWING THE WRIT PETITION
WITHOUT COSTS

(10)

kpl
30/10/25