

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.A.Nos.685, 686 & 710 of 2022

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
02.	31.10.2022	<p><u>HCJ & CVBRJ</u></p> <p><u>I.A.No.1 of 2022</u> <u>in</u> <u>W.A.Nos.685, 686 & 710 of 2022</u></p> <p>Appellants in the three appeals are not parties in Writ Petition Nos.26788 of 2021 & 34601 of 2021, out of which the present appeals arise.</p> <p>However, considering the impact of the interim directions issued by the learned Single Judge on 12.09.2022, we are of the view that appellants are affected parties and therefore leave may be granted to them to file the appeals.</p> <p>Accordingly, leave is granted.</p> <p>_____</p> <p>HCJ</p> <p>_____</p> <p>CVBRJ</p> <p><u>W.A.Nos.685, 686 & 710 of 2022</u></p> <p>The two writ petitions were filed by a group of petitioners and Jubilee Hills Residents (Clean and Green) Association</p>	

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		<p>assailing the inaction of State authorities including the Commissioner of Police, Hyderabad Commissionerate in not taking action against pubs in residential areas, more particularly in terms of the complaint dated 19.04.2021. In Writ Petition No.26788 of 2021 the concerned pub is Sunburn Superclub, C/o. M/s. Jubilee Dine Restaurant at Jubilee Hills, arrayed as respondent No.5. Whereas in Writ Petition No.34601 of 2021, the following are the concerned pubs arrayed as respondent Nos.2 to 10:</p> <p>“2. 800 Jubilee, Represented by its Manager, H.No.8-2-293/82/A/800, Road No.36, CBI Colony, Jubilee Hills, Hyderabad – 500033, Telangana</p> <p>3. Farzi Cafe, Represented by its Manager, H.No.8-2-293/82/A/59, Road No.36, Jubilee Hills, Hyderabad – 500033, Telangana</p> <p>4. Amnesia Lounge Bar, Represented by its Manager, Jaya Chambers, H.No.8-2-293/82/A/1102, Road No.36, CBI Colony, Jubilee Hills, Hyderabad – 500033, Telangana</p>	

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		<p>5. Hylife Brewing Company, Represented by its Manager, H.No.8-2-293/82/A/800, Road No.36, Jubilee Hills, Hyderabad – 500033, Telangana</p> <p>6. Daily Dose Bar Hop, Represented by its Manager, H.No.8-2-293/82/A/789, 5th Floor, Road No.36, Jubilee Hills, Hyderabad – 500033, Telangana</p> <p>7. Dirty Martini Kitchen and Cocktail Bar, Represented by its Manager, H.No.8-2-293/82/A/498, 5th Floor, Alcazar Mall, Road No.36, Jubilee Hills, Hyderabad – 500033, Telangana</p> <p>8. Broadway the Brewery, Represented by its Manager, Rina Mandal Road, Road No.46A, Masthan Nagar, CBI Colony, Jubilee Hills, Hyderabad – 500033, Telangana</p> <p>9. Makobrew World Coffee, Represented by its Manager, Sri Peddamma Thalli Temple, Road No.44, CBI Colony, Jubilee Hills, Hyderabad – 500033, Telangana</p> <p>10. Heart Cup Coffee, Represented by its Manager, Plot No.1179, Road No.45, Jubilee Hills, Hyderabad – 500033,</p>	

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		<p>Telangana.”</p> <p>All these establishments are located in the greater Jubilee Hills area of Hyderabad city.</p> <p>From a perusal of the complaint dated 19.04.2021, we find that allegations have been made against respondent Nos.2 to 10 of Writ Petition No.34601 of 2021 that they have not followed environmental rules and regulations thereby causing great hardship and annoyance to the residents of greater Jubilee Hills area, more particularly because of loud music inside the establishments and unruly behavior outside the establishments in the late hours of night. Senior citizens are particularly affected.</p> <p>On 12.09.2022 learned Single Judge as an interim measure issued the following directions:</p> <p>“1) The Commissioners of Police, Hyderabad, Cyberabad and Rachakonda shall forth with stop the singing and dancing, playing music in all the pubs who have not obtained permission from the competent authority under Hyderabad and Secunderabad</p>	

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		<p>(Amusement) Rules, 1995 and The Hyderabad and Secunderabad (Public Place of Halt / Place of Public Entertainment/Amusement) Rules, 2005. All the Commissioners shall call for a report from the Station House Officers as to how many pubs are existing in their jurisdiction and how many of them have licence and what are the steps that are taken to stop music after 10.00 pm. where the pubs are having licence;</p> <p>2) The pubs which have obtained permissions from the competent authority shall not be allowed to play music after 10.00 P.M.;</p> <p>3) The Commissioner, Prohibition & Excise shall file a detailed counter-affidavit before this Court whether they are following Rules 6 and 11 of the Telangana Excise (Grant of Licence of Selling by Bar and Conditions of License) Rules, 2017 and before granting permission what are the parameters followed for the adequate parking facility and also with regard to the distance of residential area, schools and temples.</p>	

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		<p>4) The Municipal Corporation shall file detailed counter-affidavit particularly specifying whether they are looking at adequate parking facility, Zonal regulations i.e. commercial and residential and other relevant criteria.</p> <p>5) By the next date of hearing, all the counters shall be on record and no further time will be granted.</p> <p>6) The respondent police shall follow the guidelines scrupulously or else it will be viewed seriously.”</p> <p>From the above, we find that the interim directions have gone beyond the grievance expressed by the writ petitioners and also has effected other establishments against whom no grievance has been made and who have not been arrayed as parties to the proceedings.</p> <p>That apart, we are of the view that the litigation as it stands today has par-taken the character of a public interest litigation and should therefore be heard by the appropriate Court.</p> <p>List the above two Writ Petitions along with the Writ Appeals before this</p>	

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		<p data-bbox="511 260 852 296">Court on 24.11.2022.</p> <p data-bbox="511 317 1159 638">In the meanwhile, the interim directions issued by the learned Single Judge on 12.09.2022 shall be confined only to respondent No.5 in Writ Petition No.26788 of 2021 and respondent Nos.2 to 10 in Writ Petition No.34601 of 2021.</p> <div data-bbox="1015 732 1096 768" style="text-align: right; margin-top: 100px;"> <hr style="width: 100px; margin: 0 auto;"/> HCJ </div> <div data-bbox="987 884 1114 919" style="text-align: right; margin-top: 10px;"> <hr style="width: 100px; margin: 0 auto;"/> CVBRJ </div> <p data-bbox="511 961 657 997">KL/MRM</p>	