

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

MONDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

**THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN
AND
THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY**

WRIT APPEAL NOS: 685, 686 & 710 OF 2022

WA. NO. 685 OF 2022:

Between:

M/s. Hyderabad Restro Lounges Association, Having its Office at H.No.8-2-268/H127, Plot No.546, 1st & 2nd Floors, Aurora Colony Road, Road No.3, Banjara Hills, Hyderabad-500034, T.S., Rep. by its Authorized Signatory Mr. Atin Agarwal, Aged about 40 years

Appellant

AND

1. B.Subash Reddy, S/o. B.Venkat Kishan Reddy, R/o. Plot No.114, Road No.10, Jubilee Hills Cooperative Housing Society, Hyderabad.
2. B.Suresh Reddy, S/o. B.V.K.Reddy, R/o. Plot No.114/1, Road No.10, Jubilee Hills Cooperative Housing Society, Hyderabad.
3. V.V.Srinadh, S/o. V.Sambasiva Rao, R/o. Plot No.114/A, Road No.10, Jubilee Hills Cooperative Housing Society, Hyderabad.
4. G.Sagar Prasad Reddy, S/o. G.V.Subba Reddy, R/o. Plot No.120, Road No.10, Jubilee Hills Cooperative Housing Society, Hyderabad.
5. G.Sreenivasu, S/o. G.Narasimha Rao, R/o. Plot No.114/A, Road No.10, Jubilee Hills Cooperative Housing Society, Hyderabad.
6. N.R.K.V.Swamy, S/o. Sankar Rama Nandam, R/o. Plot No.118, Road No.10, Jubilee Hills Cooperative Housing Society, Hyderabad

Respondents/Petitioners in WP. No. 36788/2021

7. State of Telangana, Home Department, Rep. by its Principal Secretary, Hyderabad.
8. The Deputy Commissioner of Police, West Zone, Hyderabad.
9. The SHO, Jubilee Hills, Hyderabad.
10. The Commissioner of Police, Hyderabad Commissionerate
11. Sunburn Superclub, C/o. M/s. Jubilee Dine Restaurant, H.No.8-2-293/82/A/115, Plot No.115, Road No.10, Jubilee Hills, Hyderabad.
12. K.Lakshmi Devi, W/o. K.Gandhi, Villa No.18, Banyan Tree Retreat, Tummuluru Village, Maheshwaram Mandal, Ranga Reddy District-501359.
13. The State of Telangana, Prohibition and Excise Department, Rep. by its Principal Secretary.
14. The Commissioner, Prohibition and Excise Department, Hyderabad.
15. The State of Telangana, Municipal and Urban Development Department, Rep. by its Principal Secretary.

16. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
 17. The Zonal Commissioner, Khairatabad Zone, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
 18. The Deputy Commissioner, Jubilee Hills (Circle-18), Khairatabad Zone, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
 19. The Chief Planner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
- (Note: Respondents No. 1 to 6, 11 & 12 are not necessary parties to the present appeal)

Respondents/Respondents in WP. No. 26788/2021

Appeal under Clause 15 of Letter Patent, praying that in the circumstances stated in the grounds filed therein, the High Court may be pleased to set aside the common order dated 12-09-2022 passed in WP. No. 26788 of 2021;

I.A.NO. 2 OF 2022:

Petition under Section 151 of CPC, praying that in the circumstances stated in the petition and the affidavit filed herein, the High Court may be pleased to suspend the impugned order dated 12-09-2022 passed in WP. No. 26788 of 2021, pending disposal of WA. No. 685 of 2022 on the file of the High Court.

Counsel for the Appellants : SRI G.MALLIKHARJUNA RAO

Counsel for the Respondents No. 7 to 10: GP FOR HOME

Counsel for the Respondents No. 13 & 14: GP FOR EXCISE

Counsel for the Respondent No. 15 : GP FOR MUNICIPAL ADMN. & URBAN DEVELOPMENT

**Counsel for the Respondents No. 16 to 19: SRI KONDAPALLI SIDDARTHA RAO,
Standing Counsel**

WRIT APPEAL NO: 686 OF 2022 :

Between:

M/s. Hyderabad Restro Lounges Association, Having its Office at: H.No.8-2-268/H127, Plot No.546, 1st and 2nd Floors, Aurora Colony Road, Road No.3, Banjara Hills, Hyderabad-500034, T.S., Rep. by its Authorized Signatory Mr. Atin Agarwal, age 740 years.

Appellant

AND

1. Jubilee Hills Residents (Clean and Green) Association, Having its Office at Plot No.1090, Road No.41 and 55, Jubilee Hills, Hyderabad, Telangana, Represented by its President, Venkata Ramana Suryadevara.

2. Suryadevara Venkata Ramana, S/o. Rama Rao, R/o. Plot No.1094/A, Road No.41, Jubilee Hills, Hyderabad, Telangana-500033.
3. Eadala Padmaja, W/o. E.Bhaskar Rao, R/o. Plot No.1086, Road No.55, Jubilee Hills, Hyderabad, Telangana-500033.

Respondents/Petitioners in WP. No.34601/2021

4. Commissioner of Police, Hyderabad Commissionerate, Government of Telangana, Basheerbagh, Hyderabad, Telangana-500029.
5. 800 Jubilee, Represented by its Manager, H. No.8-2-293/82/A/800, Road No.36, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana.
6. Farzi Cafe, Represented by its Manager, H.No.8-2-293/82/A/59, Road No.36, Jubilee Hills, Hyderabad, Telangana-500033.
7. Amensia 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.
8. Hylife Brewing Company, Rep. by its Manager, H.No.8-2-293/82/A/800, Road No.36, Jubilee Hills, Hyderabad-500033, Telangana.
9. 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.
10. 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, Telangana-500033.
11. Boardway the Brewery, Represented by its Manager, Rina Mandal Road, Road No.46A, Masthan Nagar, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana.
12. Makobrew World Coffee, Represented by its Manager, Sri Peddamma Thalli Temple, Road No.44, CBI Colony, Jubilee Hills, Hyderabad-500033.
13. Heart Cup Coffee, Represented by its Manager, Plot No.1179, Road No.45, Jubilee Hills, Hyderabad-500033, Telangana.
14. State of Telangana, Represented by its Principal Secretary to Government, Environment, Forests, Science and Technology Department, BRKR Bhavan, Tank Bund, Hyderabad, Telangana.

(Note. Respondents No.1 to 3, 5 to 13 herein are not necessary parties to the present petition).

Respondents/Respondents in WP. No. 34601 of 2021

Appeal under Clause 15 of Letter Patent, praying that in the circumstances stated in the grounds filed therein, the High Court may be pleased to allow the writ appeal and to set aside the common order dated 12-09-2022 passed in WP. No. 34601 of 2021;

I.A.NO. 2 OF 2022:

Petition under Section 151 of CPC, praying that in the circumstances stated in the petition and the affidavit filed herein, the High Court may be pleased to suspend the impugned order dated 12-09-2022 passed in WP. No. 34601 of 2021, pending disposal of WA. No. 686 of 2022 on the file of the High Court.

Counsel for the Appellants : SRI G.MALLIKHARJUNA RAO

Counsel for the Respondents No. 4: GP FOR HOME

Counsel for the Respondent No. 14:

GP FOR ENVIRONMENT

WRIT APPEAL NO: 710 OF 2022

Between:

National Restaurant Association of India, having its registered office at 4th Floor, Phase-II, PHD House, 4/2, Siri Institutional Area, August Kranti Marg, New Delhi-110 016, Rep. by its Authorised Signatory, Sri Shaaz Mehmood, S/o. Sarvat Mahmood, Aged 34 years, Occ: Business, R/o. Plot No.449/B, Road No.20, Jubilee Hills, Hyderabad.

Appellant/Third Party

AND

1. Jubilee Hills Residents Clean and Green Association, Having its office at Plot No. 1090, Road No. 41 and 55, Jubilee Hills, Hyderabad, Telangana, represented by its President Venkata Ramana Suryadevara
2. Suryadevara Venkata Ramana, S/o. S.Rama Rao, R/o. Plot No 1094/A, Road No. 41, Jubilee Hills, Hyderabad, Telangana – 500033.
3. Eadala Padmaja, W/o. E. Bhasker Rao, R/o. Plot No. 1086, Road No.55, Jubilee Hills, Hyderabad, Telangana-500033.

Respondents/Petitioners in WP. No. 34604/2021

4. Commissioner of Police, Hyderabad Commissionerate, Government of Telangana, Basheerbagh, Hyderabad, Telangana-500029
5. 800 Jubilee, Represented by its Manager, H.No.82293/82/A/800, Road No. 36, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana
6. Farzi Cafe, Represented by its Manager, H.No.82293/82/A/59, Road No. 36, Jubilee Hills, Hyderabad 500033, Telangana
7. Amensia Lounge Bar, Represented by its Manager, Jaya Chambers, H.No.82293/82/A/1102, Road No.36, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana.
8. Hylife Brewing Company, Rep. by its Manager, H.No.82293/82/A/800, Road No.36, Jubilee Hills, Hyderabad-500033, Telangana.
9. Daily Dose Bar Hop, Represented by its Manager, H.No.82293/82/A/789, 5th Floor, Road No.36, Jubilee Hills, Hyderabad-500033, Telangana.
10. Dirty Martini Kitchen and Cocktail Bar, Represented by its Manager, H.No.82293/82/A/498, 5th Floor, Alcazar Mall, Road No.36, Jubilee Hills, Hyderabad, Telangana-500033.
11. Boardway the Brewery, Represented by its Manager, Rina Mandal Road, Road No.46A, Masthan Nagar, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana.
12. Makobrew World Coffee, Represented by its Manager, Sri Peddamma Thalli Temple, Road No.44, CBI Colony, Jubilee Hills, Hyderabad-500033.
13. Heart Cup Coffee, Represented by its Manager, Plot No.1179, Road No.45, Jubilee Hills, Hyderabad-500033, Telangana.
14. State of Telangana, Represented by its Principal Secretary to Government, Environment, Forests, Science and Technology Department, BRKR Bhavan, Tank Bund, Hyderabad, Telangana.

Respondents/Respondents in WP. No. 34604 of 2021

Appeal under Clause 15 of Letter Patent, praying that in the circumstances stated in the grounds filed therein, the High Court may be pleased to allow the writ appeal and to set

aside the common order dated 12-09-2022 passed in WP. No. 26788 of 2021 & 34601 of 2021;

I.A.NO. 2 OF 2022:

Petition under Section 151 of CPC, praying that in the circumstances stated in the petition and the affidavit filed herein, the High Court may be pleased to suspend the operation of the impugned order dated 12-09-2022 passed in WP. No. 34601 of 2021, pending disposal of WA. No.710 of 2022 on the file of the High Court.

Counsel for the Appellant : SRI M.V.DURGA PRASAD
Counsel for the Respondent Nos. 1 to 3 : SRI P.S.RAJASEKHAR
Counsel for the Respondents No. 4: GP FOR HOME
Counsel for the Respondent No. 14: GP FOR ENVIRONMENT

These appeals coming on for hearing, upon perusing the appeals and the grounds filed therein, and upon hearing the arguments of above-mentioned counsels, the Court made the following;

ORDER:

“The two writ petitions were filed by a group of petitioners and Jubilee Hills Residents (Clean and Green) Association 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:

“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

3. Farzi Cafe, Represented by its Manager, H.No.8-2-293/82/A /59, Road No.36, Jubilee Hills, Hyderabad – 500033, Telangana

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

5. Hylife Brewing Company, Represented by its Manager, H.No.8-2-293/82/A/800, Road No.36, Jubilee Hills, Hyderabad – 500033, Telangana

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

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

8. Broadway the Brewery, Represented by its Manager, Rina Mandal Road, Road No.46A, Masthan Nagar, CBI Colony, Jubilee Hills, Hyderabad – 500033, Telangana

9. Makobrew World Coffee, Represented by its Manager, Sri Peddamma Thalli Temple, Road No.44, CBI Colony, Jubilee Hills, Hyderabad – 500033, Telangana

10. Heart Cup Coffee, Represented by its Manager, Plot No.1179, Road No.45, Jubilee Hills, Hyderabad – 500033, Telangana.”

All these establishments are located in the greater Jubilee Hills area of Hyderabad city.

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.

On 12.09.2022 learned Single Judge as an interim measure issued the following directions:

“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 (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;

- 2) The pubs which have obtained permissions from the competent authority shall not be allowed to play music after 10.00 P.M.;
- 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.
- 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.
- 5) By the next date of hearing, all the counters shall be on record and no further time will be granted.
- 6) The respondent police shall follow the guidelines scrupulously or else it will be viewed seriously.”

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.

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.

List the above two Writ Petitions along with the Writ Appeals before this Court on 24.11.2022.

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."

SD/- M. MANJULA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Hyderabad.
2. The Deputy Commissioner of Police, West Zone, Hyderabad.
3. The SHO, Jubilee Hills, Hyderabad.
4. Commissioner of Police, Hyderabad Commissionerate, Government of Telangana, Basheerbagh, Hyderabad, Telangana-500029.
5. The Principal Secretary, Prohibition and Excise Department, State of Telangana,, Hyderabad
6. The Commissioner, Prohibition and Excise Department, Hyderabad.
7. The Principal Secretary, State of Telangana, Municipal and Urban Development Department, Hyderabad.
8. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
9. The Zonal Commissioner, Khairtabad Zone, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
10. The Deputy Commissioner, Jubilee Hills (Circle-18), Khairtabad Zone, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
11. The Chief Planner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500063.
12. The Principal Secretary to Government, Environment, Forests, Science and Technology Department, State of Telangana, BRKR Bhavan, Tank Bund, Hyderabad, Telangana.
15. Venkata Ramana Suryadevara, President, Jubilee Hills Residents Clean and Green Association, Having its office at Plot No. 1090, Road No. 41 and 55, Jubilee Hills, Hyderabad, Telangana.
16. Ramana, S/o. S.Rama Rao, R/o. Plot No 1094/A, Road No. 41, Jubilee Hills, Hyderabad, Telangana – 500033.
17. Eadala Padmaja, W/o. E. Bhasker Rao, R/o. Plot No. 1086, Road No.55, Jubilee Hills, Hyderabad, Telangana-500033.
18. The Manager, 800 Jubilee, H.No.82293/82/A/800, Road No. 36, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana

19. The Manager, Farzi Cafe, H.No.82293/82/A/59, Road No. 36, Jubilee Hills, Hyderabad 500033, Telangana
20. The Manager, Amensia Lounge Bar, Jaya Chambers, H.No.82293/82/A/1102, Road No.36, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana.
21. The Manager, Hylife Brewing Company, H.No.82293/82/A/800, Road No.36, Jubilee Hills, Hyderabad-500033, Telangana.
22. The Manager, Daily Dose Bar Hop, H.No.82293/82/A/789, 5th Floor, Road No.36, Jubilee Hills, Hyderabad-500033, Telangana.
23. The Manager, Dirty Martini Kitchen and Cocktail Bar, H.No.82293/82/A/498, 5th Floor, Alcazar Mall, Road No.36, Jubilee Hills, Hyderabad, Telangana-500033.
24. The Manager, Boardway the Brewery, Rina Mandal Road, Road No.46A, Masthan Nagar, CBI Colony, Jubilee Hills, Hyderabad-500033, Telangana.
25. The Manager, Makobrew World Coffee, Sri Peddamma Thalli Temple, Road No.44, CBI Colony, Jubilee Hills, Hyderabad-500033.
26. The Manager, Heart Cup Coffee, Plot No.1179, Road No.45, Jubilee Hills, Hyderabad-500033, Telangana. (Addressees 1 to 26 BY RPAD)
27. Two CCs to GP for Home, High Court of Telangana, at Hyderabad (OUT)
28. Two CCs to GP for Excise High Court of Telangana, at Hyderabad (OUT)
29. Two CCs to GP for Municipal Admn. & Urban Dev., High Court of Telangana, at Hyderabad (OUT)
30. Two CCs to GP for Environment, High Court of Telangana, at Hyderabad (OUT)
31. Two CCs to Sri G.Mallikharjuna Rao, Advocate (OPUC)
32. One CC to Sri M.V. Durga Prasad, Advocate (OPUC)
33. Two Spare Copies

HIGH COURT

**HCJ
&
CVBR,J**

DATE: 31-10-2022

ORDER

WA. NOS. 685, 686 & 710 OF 2022

DIRECTION

