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WP-1932-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 22nd OF JANUARY, 2026WRIT PETITION No. 1932 of 2026*HOTEL MID TOWN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Naman Mishra - Advocate for the petitioner.

Shri Dinesh Patel - Dy. GA for State.

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ORDER

Petitioner has filed this petition under Article 226 of the Constitution of India making a prayer to issue writ of mandamus directing authorities to permit petitioner to use *hookah* in hotel with herbal products in it.

2. Learned Senior Counsel appearing for petitioner submitted that use of *hookah* in public place with tobacco or any other banned substance is prohibited, but use of herbal *hookah* is not prohibited under the Act. Learned counsel further submitted that other hotels and institutions had filed petitions before this Court, which were disposed off directing that no action shall be taken against restaurants and lounge of petitioners wherein *hookah* is found and tobacco is not being used in it. Learned counsel submitted that petitioner hotel will not use any tobacco, nicotine or any other product which is prohibited by law for smoking *hookah* in the hotel. Petitioner-hotel may be granted similar protection as has been extended by this Court to other hotel



by order dated 06.10.2023 passed in *W.P. No. 25005/2023, Gujral Hotels Private Limited vs The State of M.P. and others.*

3. Depty Government Advocate appearing for respondents/State submitted that action is only taken if smoking of *hookah* is done with prohibited products in it and there is violation of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

4. Heard the counsel for the parties.

5. Considering aforesaid facts and circumstances of the case, writ petition is disposed off directing respondents not to take action against petitioner-hotel if herbal and flavoured *hookah* is used in the hotel by the clients. Said authority will, however, be free to do inspection that no prohibited products contrary to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 is being used in the *hookah*.

6. With aforesaid direction, writ petition is **disposed off**.

(B. P. SHARMA)
JUDGE