

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13870 of 2015  
and M.P.No.1 of 2015

N.Kumar

.. Petitioner

Versus

1 The Commissioner of Police  
The Greater Chennai Police,  
Vepery, Chennai

2 The Inspector of Police  
Velachery Police Station,  
Velachery, Chennai-42

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the respondents or their men agents from interfering with the peaceful conduct of business in the name of Royal Asian Unisex Salon & SPA at No.123 P.R.Towers 2nd Floor Velachery (100 Feet Road) Chennai-600 042.

For Petitioner : Mr.K.Dharmaraj.

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader.

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is running "Royal Asian Unisex Salon & SPA" at Door No.123 P.R.Towers, 2nd Floor, Velachery (100 Feet Road), Chennai-600 042, for the past one year, without giving any room for complaints and would further state that there are no illegal activities going on.

3. The grievance expressed by the petitioner is that the police officials under the guise of inspection, are repeatedly interfering with the conduct of the business and making every endeavour to shut down his business. The petitioner in this regard submitted a representation dated 16.04.2015 to the 1<sup>st</sup> respondent with a copy marked to the 2<sup>nd</sup> respondent and inspite of receipt of such representation, his business activities are being interfered with and hence, came forward to file this writ petition.

4. Heard the submissions of Mr.K.Dharmaraj, learned counsel appearing for the petitioner and Mr.R.Vijaya Kumar, learned Additional Government Pleader, who accepts notice for the respondents.

5. This Court, considering the limited scope of the prayer sought for by the petitioner and without going into the merits of the representation, directs the respondents to take into consideration the judgment in W.P.No.24629 of 2014 etc. batch, dated 09.12.2014, reported in 2015 (1) MLJ 308 [Masti Health and Beauty Private Limited Vs. Commissioner of Police, Chennai], especially paragraph No.67 of the said order, which is extracted hereunder.

"67. In the light of the above, all the writ petitions are disposed of to the following effect.

- (i) The respondents shall not, as a matter of routine and without any basis, conduct any raids and interfere with the business carried on by the petitioners;
- (ii) In specific cases where the police have reasonable grounds to believe that an offence punishable under the Immoral Traffic (Prevention) Act has been or is being committed, it is open to the police to take action, after scrupulously following all the steps indicated in Section 15 of the said Act. The steps to be followed are narrated by me in paragraph 28 above; and
- (iii) Based upon the laws enacted in various states of the United States of America and Singapore, which I have dealt with in paragraphs 39 to 54, the respondents may take appropriate steps for bringing in either a new, 13 legislation or a subordinate legislation in terms of the provisions of the Chennai City Municipal Corporation Act or the Chennai City Police Act, so that public order, decency and morality, which can form the basis for a regulatory law under Article 19(2) of the Constitution, are taken care of. The Government shall file a report on or before 31.03.2015, before this Court, about the decision taken. No costs. Consequently, all connected pending MPs are closed."

6. In the light of the said order, this writ petition is disposed of and the respondents are directed to comply with the directions / conditions imposed in paragraph 67 of the said order as extracted above. It is also made clear that the petitioner under the guise of carrying on business activity shall not indulge in any

unlawful or illegal activities detrimental to law and order or public order. No costs. Consequently, the connected Miscellaneous Petition is closed.

ars

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner of Police  
The Greater Chennai Police,  
Vepery, Chennai
  - 2 The Inspector of Police  
Velachery Police Station,  
Velachery, Chennai-42
- + 1 cc to Mr.K.Dharmaraj, Advocate SR 25667

tm(co)  
prk15/6

W.P.No.13870 of 2015



WEB COPY