

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15523 of 2015

R.Suji Kumar
S/o.S.Rajayan

...Petitioner

-Vs-

1.The Commissioner of Police,
Vepary, Chennai.

2.The Inspector of Police,
Kodambakkam Police Station,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents or their men, agents not to interfere with the peaceful conduct of business "SUN SHINE LUXURY UNISEX SALOON & SPA" at No.290, N.S.K.Road, Sivankoil Street, Arcot Road, Kodambakkam, Chennai-600 024.

For Petitioner : Mr.K.Dharmaraj

For Respondents: Mr.R.Vijaykumar
Additional Government Pleader

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner claim that he is carrying on business in the name and style of "Sun Shile Luxury Unisex Saloon & Spa" at No.290, N.S.K.Road, Sivankoil Street, Arcot Road, Kodambakkam, Chennai - 600 024 for the past six months without giving any room for complaints. The petitioner would state that while doing the business, Ayurveda massage in Kerala Traditional style is being given to the customers. The grievance expressed by the petitioner is that the 2nd respondent under the guise of inspection, repeatedly interfering with the lawful conduct of the business and in this regard, he has submitted a representation dated 05.04.2014.

3. This Court heard the submissions made by Mr.K.Dharmaraj, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice for respondents.

4. This Court vide common order dated 09.12.2014 made 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] has given guidelines and it is relevant to extract paragraph No.67 of the judgment.

"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."

5. In the result, this writ petition is disposed of. The respondents are directed to follow the guidelines in paragraph No.67 of the above stated judgment. It is also made clear that the petitioner under the guise of carrying on business, shall not indulge in any illegal, immoral or unlawful activities. It is always open to the respondents to exercise their powers, strictly in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsm

To

1.The Commissioner of Police,
Vepary,
Chennai.

2.The Inspector of Police,
Kodambakkam Police Station,
Chennai.

1 cc to Mr.K.Dharmaraj, Advocate, Sr. 26229

1 cc to Government Pleader, Sr. 26433

W.P.No.15523 of 2015

GP (CO)
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