

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16373 of 2015

and

M.P.No.1 of 2015

R.Suji Kumar

.. Petitioner

Vs.

1. The Commissioner of Police,
The Greater Chennai Police,
Vepary, Chennai.

2. The Inspector of Police,
E-8, Kelambakkam Police Station,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of "Sun Shine Unisex Salon and Spa" at No.4/168, Rajiv Gandhi Salai, Kelambakkam Road, Egattur, Thiruporur Taluk, Kancheepuram District.

For Petitioner : Mr.K.Gokulram

For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

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

2. The petitioner claims that he is carrying on business in the name and style of "Sun Shine Unisex Salon and Spa" at No.4/168, Rajiv Gandhi Salai, Kelambakkam Road, Egattur, Thiruporur Taluk, Kancheepuram District, for the past one year without any room for complaint and the massage in Ayurvedic form is also given. The petitioner would further state that under

the guise of carrying on business, the petitioner is not indulging any illegal, immoral or unlawful activities. However, the second respondent, under the guise of conducting enquiry, is repeatedly barging into the premises and interfering with the business of the petitioner and hence the petitioner came forward to file this writ petition.

3. Mr.K.Gokulam, learned counsel appearing for the petitioner would submit that since the petitioner is carrying on business activities in a lawful manner, the second respondent cannot interfere with the same and placed reliance upon the judgment rendered by this Court in a common order dated 09.12.2014 made in W.P.No.24629 of of 2014 etc., batch reported in 2015 (1) MLJ 308 [Masti Health and Beauty Private Limited, Chennai and others Vs. Commissioner of Police, Chennai, and others].

4. The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. It is relevant to extract paragraph No.67 of the above cited judgment, which reads as follows:-

"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, 43 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. This Court, taking into consideration the above facts and circumstance of the case, directs the respondents to take into consideration the above cited judgment, in which the first respondent is also a party, especially paragraph No.67 of the judgment, wherein certain guidelines are given and act in accordance with law. It is also made clear that if any illegal, immoral or unlawful activities are noted, the respondents are always at liberty to take action strictly in accordance with law.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

Jrl

To

1. The Commissioner of Police,
The Greater Chennai Police,
Vepary, Chennai.
2. The Inspector of Police,
E-8, Kelambakkam Police Station,
Chennai.

1 cc to Mr.K.Gokulram, Advocate, Sr. 27879
1 cc to Government Pleader, Sr. 28256

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NM (CO)
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