

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17703 of 2015

And

M.P.No.1 of 2015

K.Dhanasekaran

... Petitioner

Vs.

1.The Commissioner of Police,
The Greater Chennai Police,
Vepery, Chennai-3.

2.The Inspector of Police,
St.Thomas Mount Police Station,
Chennai-32.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of "ATHMA SPA" at No.23, 1st Cross Street, Sripuram Colony, St.Thomas Mount, Chennai-600 032.

For Petitioner : Mr.K.Gokul Ram

For Respondents : Mr.V.Subbiah

Special Government Pleader

O R D E R

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

2.The petitioner would state that he is carrying on business in the name and style of "ATHMA SPA" at No.23, 1st Cross Street, Sripuram Colony, St.Thomas Mount, Chennai-600 032. The petitioner would further state that he is carrying on business without violating any law and providing massage to the intending customers. Petitioner would further state that the second respondent under the guise of inspecting the premises is interfering with the business activities and in this regard, the petitioner has made a representation dated 02.06.2015 to the first respondent with copy marked to the second respondent and since he has not been favoured with any kind of response, came forward to file this writ petition.

3.Heard the submissions of Mr.K.Gokul Ram, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice for the respondents.

4.In similar facts and circumstances, this Court in its common order dated 09.12.2014 in W.P.Nos.15866 of 2013, 407 of 2014 etc., batch reported in (2015) 1 MLJ 308 (Masti Health and Beauty Private Limited, rep. By its Head of Operations(Chennai) Dr.Binoop Varier and Others Vs. Commissioner of Police, Chennai City, Chennai-8 and Others) has given certain guidelines to the police. The relevant paragraph 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 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, the writ petition is disposed of and the second respondent is directed to consider the petitioner's representation dated 02.06.2015 in the light of the guidelines given in paragraph No.67 of the above said order and pass orders in accordance with law within a period of four weeks from the date of receipt of the copy of this order and communicate the decision to the petitioner. It is also made clear that the petitioner under the guise of carrying on business shall not indulge in any immoral or illegal activity detrimental to law and order or public interest.

6.The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

pri

To

1.The Commissioner of Police,
The Greater Chennai Police,
Vepery, Chennai-3.

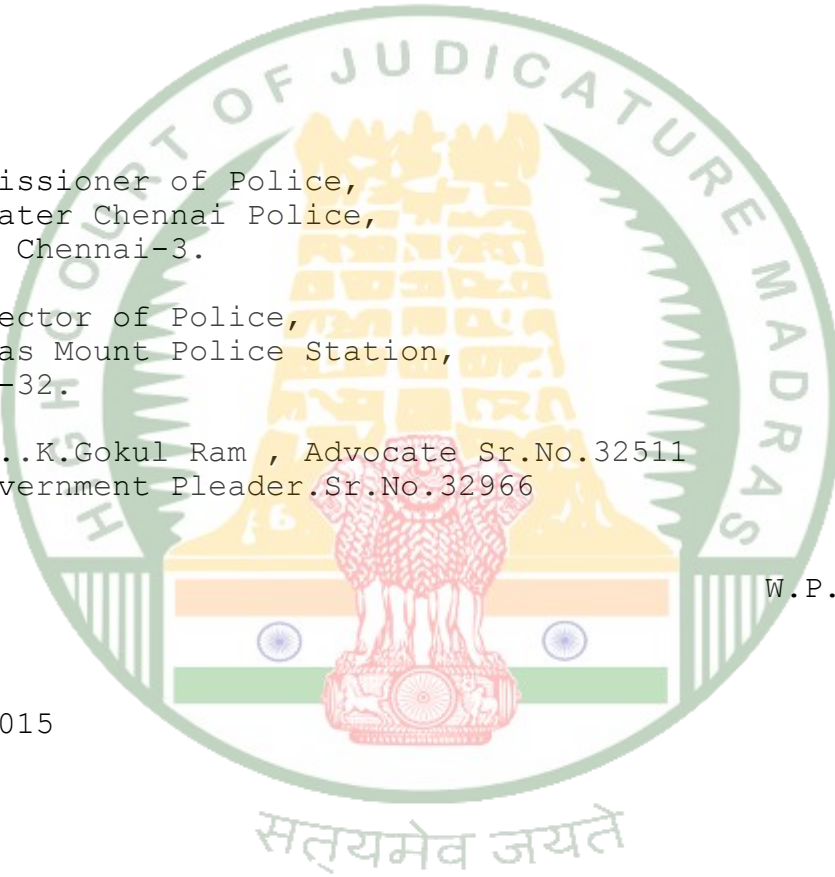
2.The Inspector of Police,
St.Thomas Mount Police Station,
Chennai-32.

1 cc to Mr..K.Gokul Ram , Advocate Sr.No.32511

1 cc to Government Pleader.Sr.No.32966

kk(co)
pmk.21.7.2015

W.P.No.17703 of 2015
And
M.P.No.1 of 2015



WEB COPY