

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19624 of 2015

And

M.P.No.1 of 2015

G.Boopathy

... Petitioner

Vs.

- 1 The Commissioner of Police
The Greater Chennai Police Vepery Chennai
- 2 The Inspector of Police
J-7 Velachery Police Station Velachery
Chennai ... 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 Heaven Beauty Saloon at Plot No.79 and 80 Vijaya Nagar 2nd Main Road Ram Nagar North Extension Velacherry Chennai.

For Petitioner : Mr.K.Gokul Ram
For Respondents : Mr.R.A.S.Senthilvel
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 carrying on business under the name and style of "Heaven Beauty Saloon" at Plot No.79 and 80, Vijaya Nagar, 2nd Main Road, Ram Nagar North Extension, Velacherry, Chennai for the past one year without any room for complaint. The petitioner would further state that he has employed qualified and trained Therapists for the purpose of Ayurvedic performance of massage and the second respondent under the guise of inspection/ enquiry, is regularly interfering with the business activities and in this regard, submitted a representation dated 15.06.2015 to the respondents, inspite of which, the harassment continues and hence came forward to file this writ petition.

3.Heard the submissions of Mr.K.Gokul Ram, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Additional 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 light of the facts and circumstances, the second respondent is directed to consider the petitioner's representation dated 15.06.2015 in the light of the guidelines given in paragraph No.67 of the above said order and pass orders in accordance with law as expeditiously as possible not later than four weeks from the date of receipt of the copy of this order and communicate the decision to the petitioner.

6. It is also made clear that the petitioner under the guise of carrying on business shall not indulge in any unlawful or illegal activities detrimental to law and order or public problem and in the event of the petitioner indulging in any unlawful or illegal

activity, the second respondent shall take action strictly in accordance with law.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Commissioner of Police
The Greater Chennai Police Vepery Chennai

2 The Inspector of Police
J-7 Velachery Police Station Velachery
Chennai.

+1 cc to Mr.K.gokulram, Advocate,SR.33742

+1 cc to Government Pleader,Sr.33964.

Gj(co)
krd 15/7



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