

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-07-2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.20877 of 2015

and

M.P.No.1 of 2015

S.Julik Parimala Raj .. Petitioner

vs

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

2. The Inspector of Police
R3 Ashok Nagar Police Station
Chennai

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from interfering with the peaceful conduct of business in the name of "B2 a Style Lounge Unisex Salon & SPA" at No.6C, Vedammal Avenue, Dr.Subburaya Nagar, Kodambakkam, Chennai 600 024.

For Petitioner : Mr.K.Gokulram

For Respondents : Mr.N.Roofus Abraham
Government Advocate

ORDER

By consent, the 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 "B2 a Style Lounge Unisex Salon & SPA" at No.6C, Vedammal Avenue, Dr. Subburaya Nagar, Kodambakkam, Chennai 600 024, for the past six months without any room for complaint. The grievance expressed by the petitioner, is that though he is carrying on the business strictly, in accordance with law, the second respondent-Police under the guise of inspection, is repeatedly interfering with his business activities and in this regard, he submitted a representation dated 25.6.2015, to the first respondent not to disturb his

business and since no orders have been passed, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, on instructions, would submit that no illegal or unlawful activities take place while conducting business activities and therefore, the second respondent cannot interfere with the business activities. The learned Counsel has also drawn the attention of this Court to the order dated 24.3.2015, made in W.P.No.8204 of 2015, wherein, this Court has taken into consideration the common order dated 9.12.2014, made in W.P.Nos.24629 of 2014 batch etc., (Masti Health and Beauty Private Limited Vs. Commissioner of Police, Chennai reported in 2015 1 MLJ 308), and prays for similar orders.

4.Heard the submissions of Mr.N.Roofus Abraham, learned Government Advocate, who accepted notice on behalf of the respondents, also.

5.It is relevant to extract paragraph 67 of the order in Masti Health and Beauty Private Limited case (cited supra), 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 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 31.3.2015, before this Court, about the decision taken. No costs. Consequently, all connected pending MPs are closed."

6.In the light of the said order, the 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. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

nsv

To:

1. The Commissioner of Police
The Greater Chennai Police
Vepery, Chennai
2. The Inspector of Police
R3 Ashok Nagar Police Station
Chennai

+1cc to M/s K.Gokulram Advocate sr.no.35332.

+1cc to The government Pleader, High court sr.no.35411.

W.P.No.20877 of 2015

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srg 27.07

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