

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22725 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,
Rajamangalam Police Station,
Kolathur, Chennai - 99.

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus forbearing the respondents or their man, agents from interfering with the peaceful conduct of business in the name of "Shine Beauty Salon and Spa" at No.75, 200 Feet Road, Senthil Nagar, Kolathur, Chennai - 99.

For Petitioner .. Mr.K.Gokulram

For Respondents .. Ms.P.Rajalakshmi,
Govt. 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 "Shine Beauty Salon and Spa" at No.75, 200 Feet Road, Senthil Nagar, Kolathur, Chennai - 99 for the past one year, without giving any room for complaint. The petitioner would state that he is lawfully carrying on the business and administering massage in ayurvedic form and he is also having the services of qualified and trained therapists. The grievance expressed by the petitioner is that the second respondent, under the guise of inspecting the premises, is often interfering with his lawful

business and in this regard, submitted a representation dated 10.07.2015 to the first respondent and since he has not been favoured with any response, came forward to file this writ petition.

3. Heard the submissions of Mr.K.Gokulram, learned counsel appearing for the petitioner, who would submit that the petitioner is carrying on business activities in a lawful manner and he is not indulging in any illegal, immoral and unlawful activities and hence prays for appropriate orders.

4. This Court heard the submissions of Ms.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the respondents.

5. This Court, in similar facts and circumstances, passed a common order dated 09.12.2014 made in W.P.No.24629 of 2014 etc., batch (Masti Health and Beauty Private Limited Vs. Commissioner of Police, Chennai reported in 2015 1 MLJ 308) and in para 67 of the said order, guidelines have been given and it is relevant to extract the same:

"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, in the light of the said order, disposes this writ petition by directing the respondents to comply with the directions/conditions imposed in para 67 of the above cited order. It is also made clear that the petitioner, under the guise of carrying

on the activities, shall not indulge in unlawful, illegal or immoral activities detrimental to law and order or public order and if he did so, it is always open to the respondents to take action strictly in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

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

2.The Inspector of Police,
Rajamangalam Police Station,
Kolathur, Chennai - 99.

+1cc to Mr.K. Gokulram38503, Advocate, S.R.No.
+1cc to the Government Pleader, S.R.No.38730

GJ(CO)
EU(12/08/2015)

W.P.No.22725 of 2015

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