

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22893 of 2015
and M.P.No.1 of 2015

P.Kumar

...Petitioner

-Vs-

- 1.The Commissioner of Police,
O/o. The Commissioner of Police,
Chennai City, Vepery,
Chennai-600 007.
- 2.The Assistant Commissioner of Police,
Anti-Vice Squad,
Chintadripet, Chennai-2.
- 3.The Inspector of Police,
K-8, Arumbakkam P.S.
Arumbakkam,
Chennai-600 106.
- 4.The Commissioner,
Revenue Department,
Corporation of Chennai,
Chennai-3.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 24.06.2015 within a time frame.

For Petitioner : Mr.R.Baskar

For Respondents : Mr.V.Subbiah,
Special Govt. Pleader for R1 to R3

Mr.P.V.Selvakumar for R4

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims to be running a Saloon and Spa in the name and style "Pen Queen Beauty Parlour and Ayurvedic Spa" at Door No.9/6, Main Road, Jeganathan Nagar, Arumbakkam, Chennai-600106 and

for the purpose of running his business, the petitioner took out a premises on lease on 04.03.015 and commenced its business from May 2015. The grievance expressed by the petitioner is that the respondents 2 and 3, under the guise of inspection, are repeatedly disturbing with the lawful activities of the petitioner and in this regard, he has also submitted a representation dated 24.06.2015 to the respondents 1 to 3 and since no orders have been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner is carrying on lawful activities only and no illegality or offence involving women are committed and hence, prays for appropriate orders.

4. Heard Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.P.V.Selvakumar, learned counsel who accepts notice for the fourth respondent.

5. This Court, in the decision in M/s.Masti Health and Beauty Private Limited & Others v. The Commissioner of Police, Chennai City, Chennai and Others [2015-1-M.L.J.308], has considered the similar issue and formulated the following guidelines:

"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. This Court, without going into the merits of the claim projected by the petitioner, directs the respondents 1 to 3 to take into consideration the above said guidelines and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

jvm

To

- 1.The Commissioner of Police,
O/o. The Commissioner of Police,
Chennai City, Vepery, Chennai-600 007.
- 2.The Assistant Commissioner of Police,
Anti-Vice Squad,
Chintadripet, Chennai-2.
- 3.The Inspector of Police,
K-8, Arumbakkam P.S.
Arumbakkam,
Chennai-600 106.
- 4.The Commissioner,
Revenue Department,
Corporation of Chennai,
Chennai-3.

- 1 cc to Mr..R.Baskar , Advocate Sr.No.39025
1 cc to Mr..P.V.Selvakumar , Advocate Sr.No.39034
1 cc to Government Pleader.Sr.No.39100

W.P.No.22893 of 2015
and M.P.No.1 of 2015

pur(co)
pmk.10.8.2015