

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.07.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23051 of 2015

and

M.P.No.1 of 2015

S.Manikandan

Prop.Care & Care Unisex Beauty Parlour,

.. 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-3, Aminjikarai Police Station,
Aminjikarai,
Chennai-600 029

4.The Commissioner,
Revenue Department,
Corporation of Chennai,
Chennai-3

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 2.7.2015 within the time frame.

For petitioner : Mr.R.Baskar

For Respondents : Mr.S.Pattabiraman,
G.A. for RR1 to 3

Mr.P.V.Selvakumar for R4

ORDER

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

2. The petitioner claims that he is running a business under the name and style of Care & Care Unisex Beauty Parlour at No.2/3, Kannappan Street, 1st Floor, Aminjikarai, Chennai-29, in a rented premises and he has also applied for permission, to the concerned authority of the Corporation of Chennai and in the interregnum, respondents 2 and 3, under the guise of inspection, are regularly interfering with his business activity and in this regard, submitted a representation dated 2.7.2015 to the first and second respondents and since no orders have been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.R.Baskar, learned counsel appearing for the petitioner and Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of R1 to R3 and Mr.P.V.Selvakumar, learned counsel appearing for the fourth respondent.

4. The learned counsel for the petitioner would submit that the petitioner is doing only lawful business and no illegal activities or offences involving women are taking place and prays for appropriate order.

5. This Court, under the same facts and circumstances, disposed of a batch of writ petitions in W.P.Nos.15866 of 2013 etc., by a common order dated 9.12.2014 (reported in 2015(1) MLJ 308 - M/s.Masti Health and Beauty Private Limited and Others vs. The Commissioner of Police, Chennai City, Chennai and Others), wherein in paragraph No.67, it has been held as follows:

"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."

6. This Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 2.7.2015, in the light of the above said guidelines and pass orders 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. It is always open to the police authorities to take action in accordance with law in the event of any law and order or public order problem.

7. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

msh

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

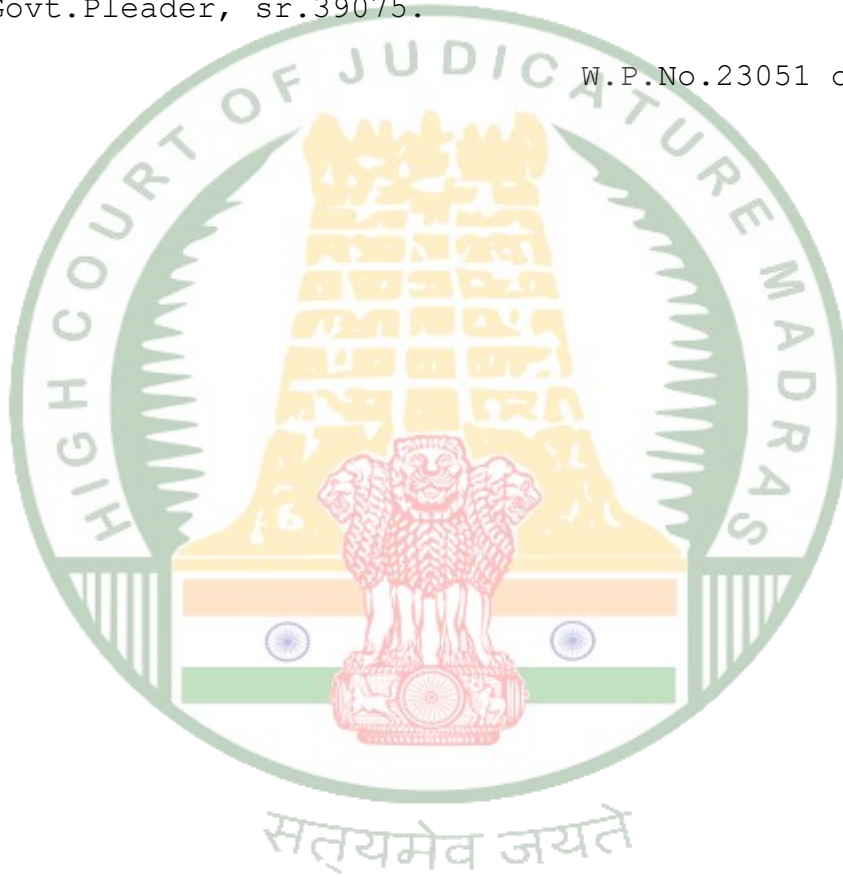
3.The Inspector of Police,
K-3, Aminjikarai Police Station,
Aminjikarai,
Chennai-600 029

4.The Commissioner,
Revenue Department,
Corporation of Chennai,
Chennai-3

+1 cc to Mr.P.V. Selvakumar, Advocate, sr.39032
+1 cc to Mr.R.Baskar, Advocate, sr.39067
+1 cc to Govt.Pleader, sr.39075.

W.P.No.23051 of 2015

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