

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM

THE HON'BLE MR. JUSTICE R.SUBBIAH

W.P.No.10370 of 2016
and WMP.No.9152 of 2016

Uma Mageshwari

... Petitioner

vs.

1. The Commissioner of Police
The Greater Chennai,
Vepery, Chennai.
2. The Inspector of Police
Aminjikarai Police Station,
Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents, their men, agents from interfering with the peaceful conduct of business, i.e., cross massage in the name and style of "New Glamour Unisex Salon & SPA" at No.10, Muralidharan Street, Aminjikarai Post, Chennai.

For Petitioner : Mr.V.Veerapandian
For Respondents : Mr.S.Navaneethan, AGP

O R D E R

This writ petition is filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, forbearing the respondents, their men, agents from interfering with the peaceful conduct of business, i.e., cross massage in the name and style of "New Glamour Unisex Salon & SPA" at No.10, Muralidharan Street, Aminjikarai Post, Chennai.

2. The only grievance of the petitioner is that the respondents are interfering with the lawful activities of the petitioner without authority of law. The reliance has been made on the order passed by this Court in W.P.No.12817 of 2015 in support of the contention made.

3. In the above said order, the following relevant paragraphs are extracted hereunder:

"4.Heard the submissions of Mr.K.Dharmaraj, learned counsel appearing for the petitioner and Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice for the respondents.

5.It is relevant to extract paragraph 67 of the order in Hasti 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, 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.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. Consequently, the connected Miscellaneous Petition is closed. No costs."

4. In view of the same, the writ petition is disposed of accordingly. Consequently, connected WMP.No.9152 of 2016 is closed. No costs.
tsvn

-s/d-

Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
The Greater Chennai,
Vepery, Chennai.
2. The Inspector of Police
Aminjikarai Police Station,
Chennai.

+ 1 cc to M/s.V.Veerapandian, Advocate, SR 18285

+ 1 cc to Government Pleader, High Court, Madras SR 18047

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