

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10604 of 2016  
and WMP.No.9295 of 2016

G.Pragasam

... Petitioner

Vs.

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

2.The Inspector of Police  
Ambattur Police Station,  
Chennai.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e, cross massage in the name and style of SUN FLOWER BEAUTY PARLOUR & SPA at D.No.3/B1, Ambattur - Redhills Road, Surapattu, Chennai.

For Petitioner : Mr.V.Veerapandian  
For respondents : Mr.R.A.S.Senthilvel, AGP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e, cross massage in the name and style of SUN FLOWER BEAUTY PARLOUR & SPA at D.No.3/B1, Ambattur - Redhills Road, Surapattu, Chennai.

3.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.

4. 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."

5.In view of the same, the writ petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is also closed. No costs.  
tsh

s/d-  
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

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

2.The Inspector of Police  
Ambattur Police Station,  
Chennai.

+ 1 cc to M/s.V.Veerapandian, Advocate, SR 19951

+ 1 cc to Govt.Pleader, High Court, Madras SR 20165

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W.P.No.10604 of 2016

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