

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R. SUBBIAH

W.P. No. 15035 of 2016

&

W.M.P. No. 13130 of 2016

N.K. Susheela

..Petitioner

Vs.

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

..Respondents

Prayer: Petition under Article 226 of the Constitution of India, praying for issue of a 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 "SHINSHA FAMILY SALOON & SPA" at Plot No.1, Bharathi Nagar, 3rd Street Extension, Mudichur Road, Old Perungalathur, Chennai - 63.

For Petitioner :: Mr.V. Veerapandian

For Respondents:: Mrs.P. Rajalakshmi,
Govt. Advocate

O R D E R

This writ petition is filed for issue of a 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 "SHINSHA FAMILY SALOON & SPA" at Plot No.1, Bharathi Nagar, 3rd Street Extension, Mudichur Road, Old Perungalathur, Chennai - 63.

2. When the writ petition is taken up, it is brought to the notice of this Court that in a similar writ petition, in W.P. No. 7402 of 2016, this Court, on 26.02.2016, disposed of the writ petition, on the following lines:

"6. It is relevant to extract paragraph 67 of the order in Masti 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 31.3.2015, before this Court, about the decision taken. No costs. Consequently, all connected pending MPs are closed."

7. In the light of the said order, the writ petition is disposed of by directing the respondents 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. No costs. Consequently, the connection miscellaneous petition is closed."

3. Following the above order dated 26.02.2016 passed by this Court in W.P. No. 7402 of 2016, this writ petition is also disposed of, on the same lines, directing the respondents to comply with the directions/conditions imposed in paragraph 67 of the order, passed in Masti Health and Beauty Private Limited V. Commissioner of Police, Chennai, reported in (2015) 1 MLJ 308, 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. No costs. Consequently, the connection miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to the Government Pleader Sr.25876
+1cc to Mr.V.Veerapandian, Advocate Sr.26404

सत्यमेव जयते

W.P. No. 15035 of 2016

kk[col]
srg 19/05/2016

WEB COPY