

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.39210 of 2015
& M.P.No.1 of 2015

K.R.Shanmugasundaram

: Petitioner

Vs.

1. The Superintendent of Police,
Erode District.

2. The Inspector of Police,
Erode North Police Station,
Erode.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents, their men and agents from interfering with the peaceful conduct of business in the name and style of "Nature Ayurvedic Health & Spa" at 1st floor, 79/86, 80-87, Sri Towers, Perundurai Road, Erode-12.

For Petitioner : Mr.J.C.Vasudevan

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Government Pleader

ORDER

The petitioner has come forward to file this writ petition seeking direction to forbear the respondents, their men and agents from interfering with the peaceful conduct of business in the name and style of "Nature Ayurvedic Health & Spa" at 1st floor, 79/86, 80-87, Sri Towers, Perundurai Road, Erode-12.

2. The learned counsel appearing for the petitioner submitted that the issue is covered by an order passed by this Court in W.P.No.19112 of 2015 dated 01.07.2015, wherein it has been held as follows.

"4.In similar facts and circumstances, this Court in its common order dated 09.12.2014 in W.P.Nos.15866 of 2013, 407 of 2014 etc., batch reported in (2015) 1 MLJ 308 (Masti Health and Beauty Private Limited, rep. By its Head of

Operations(Chennai) Dr.Binoop Varier and Others Vs. Commissioner of Police, Chenani City, Chennai-8 and Others) has given certain guidelines to the police. The relevant paragraph 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 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."

5.In the result, the writ petition is disposed of and the second respondent is directed to consider the petitioner's representation dated 10.06.2015 in the light of the guidelines given in paragraph No.67 of the above said order and pass orders in accordance with law within a

period of four weeks from the date of receipt of the copy of this order and communicate the decision to the petitioner. It is also made clear that the petitioner under the guise of carrying on business shall not indulge in any immoral or illegal activity detrimental to law and order or public interest.

6.The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed. No costs."

3. Following the above said order, the writ petition stands disposed of by directing the second respondent to consider the petitioner's representation dated 09.12.2015 in the light of the guidelines given in paragraph No.67 of the decision of this Court in Masti Health and Beauty Private Limited, rep. By its Head of Operations(Chennai) Dr.Binoop Varier and Others Vs. Commissioner of Police, Chennai City, Chennai-8 and Others ((2015) 1 MLJ 308), 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 to the petitioner. It is also made clear that the petitioner under the guise of carrying on business shall not indulge in any immoral or illegal activity detrimental to law and order or public interest. No costs. Consequently, connected miscellaneous petition is closed.

raa

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Erode District.

2.The Inspector of Police,
Erode North Police Station,
Erode.

+ 1 cc to Mr.I.C.Vasudevan, Advocate SR 692

msm(co)
prk25/1

W.P.No.39210 of 2015