

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22726 of 2016

And

W.M.P.No.19418 of 2016

Sikandarbadhusa

... Petitioner

Vs.

1.The Superintendent of Police,
Erode District.

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

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents or their men and agents from interfering with the peaceful conduct of business in the name and style of "Aura SPA" at 36, Kumarasamy Street, Erode.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

सत्यमेव जयते
O R D E R

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

2.The petitioner would state that he is carrying on business in the name and style of "Aura SPA" at No.36, Kumarasamy Street, Erode. The petitioner would further state that he is carrying on business without violating any law and providing massage to the intending customers and according to him, there is no immoral or illegal activities going on and however, the second respondent under the guise of inspecting the premises is interfering with the business activities and in this regard, the petitioner has made a representation dated 01.06.2016 to the

first respondent with copy marked to the second respondent and since he has not been favoured with any kind of response, came forward to file this writ petition.

3. Heard the submissions of Mr.I.C.Vasudevan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice for the respondents.

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, Chennai 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 01.06.2016 in the light of the guidelines given in paragraph No.67 of the above said order and pass orders in accordance with law as expeditiously as possible and not later than two weeks from the date of receipt of the copy of this order and communicate the decision taken, 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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Erode District.
- 2.The Inspector of Police,
Erode Town Police Station,
Erode.

+lcc to Mr.I.C.Vasudevan, Advocate, S.R.No.37395
+lcc to the Government Pleader, S.R.No.37454

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