

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 31060 of 2016

and

W.M.P. No. 26930 of 2016

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A.C. Ramachandran
Son of Chandran
Hotel Rain Drops
No.169/2, 2nd Floor
Greams Road
Chennai - 600 006

... Petitioner

Versus

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

... Respondents

Petition filed under Article 226 of The Constitution of India praying for 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 Sree Kerala Ayurvedic Spa Healthcare at Hotel Rain Drops, No.169/2, 2nd Floor, Greams Road, Chennai.

For Petitioner
For Respondents

: V. Veerapandian
: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The petitioner seeks for issuance of a Mandamus to forbear the respondents or their men and servants from in any manner interfering with the hotel business carried on by him in the name and style of Sree Kerala Ayurvedic Spa Healthcare at Hotel Rain Drops, No.169/2, 2nd Floor, Greams Road, Chennai.

2. When the writ petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondents, placing reliance on the counter affidavit of the second respondent, would contend that the building in which the petitioner is carrying on business belonged to Kerala Tourism Development Corporation and the petitioner has taken the second floor of the building for rent by entering into a rental agreement dated 15.11.2015. The learned Additional Government Pleader further states that the second respondent inspected the business premises on 07.09.2016 and conducted an enquiry. Such enquiry made by the second respondent did not reveal any adverse remarks or report over the activities carried on by the petitioner.

3. Notwithstanding the above submissions of the learned Additional Government Pleader appearing for the respondents, it is to be noted that the issue involved in this writ petition is no longer res integra. In the order dated 28.04.2015 made in WP.12817/2015, this Court has taken into consideration the common order dated 09.12.2014 made in WP.Nos.24629/2014 etc., batch [Masti Health and Beauty Private Limited Vs. Commissioner of Police, Chennai] reported in 2015 [1] MLJ 308 wherein in paragraph 67 of the order [cited supra], it was held 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."

4. Therefore, having regard to the above submissions of the learned Additional Government Pleader for the respondents and the order passed by this Court mentioned above, 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. It is further made clear that this order will not prohibit the respondents/authorities concerned from interfering in the petitioner's business activities, if there is any violation on the part of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

true Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
Greater Chennai, Vepery
Chennai

2. The Inspector of Police
Thousand Lights Police Station
Chennai

+1 cc to the Government Pleader sr 61604

+1 cc to Mr.V.Veerapandian Advocate sr 60954

WP No. 31060 of 2016

aa23/12/2016