

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. No. 31455 of 2016

Envy Unisex Luxury Saloon and Spa  
represented by its Partner

Mr. R.M. Prabhu

No.1, 4th Lane, Sastri Nagar 1st Main Road

Adyar, Chennai - 600 020

... Petitioner

Versus

1. The Commissioner of Police  
Vepery, Chennai - 600 007

2. The Inspector of Police  
J-5, Sastri Nagar Police Station  
Besant Nagar  
Chennai - 600 090

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents not to interfere in any manner with the normal functioning of the trade carried on by the petitioner under the name and style of M/s. Envy Unisex Luxury Saloon and Spa at No.1, 4th Lane, Sastri Nagar 1st Main Road, Adyar, Chennai - 600 020.

For Petitioners : Mr. T. Dharmarajan

For Respondents : Mr. R.S. Selvam  
Government Advocate

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ORDER

The petitioner seeks for issuance of a Mandamus directing the respondents not to disturb the normal functioning of the trade carried on by the petitioner under the name and style of M/s. Envy Unisex Luxury Saloon and Spa at No.1, 4th Lane, Sastri Nagar 1st Main Road, Adyar, Chennai - 600 020.

2. I heard the counsel for both sides. 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 in Masti's case [cited supra], it is 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."

3. Further, when the writ petition is taken up for hearing today, the second respondent is present before this Court and on his instruction, the learned Government Advocate appearing for the respondents would submit that the officials attached to the second respondent police have not interfered with the business carried on by the petitioner in any manner or they have registered any case against the petitioner. The said statement of the learned Government Advocate made on behalf of the second respondent is recorded.

4. In the light of the said order passed by this Court and in the light of the statement made on behalf of the second respondent, 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.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rsh

To

1. The Commissioner of Police  
Vepery, Chennai - 600 007
2. The Inspector of Police  
J-5, Sastri Nagar Police Station  
Besant Nagar  
Chennai - 600 090

+1cc to Mr.T.Dharmarajan, Advocate, S.R.No.60681  
+1cc to the Government Pleader, S.R.No.61015

W.P. No. 31455 of 2016

EV(CO)  
CA(28/11/2016)

सत्यमेव जयते

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