

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 40754 of 2016
and
W.M.P. No. 34728 of 2016

S. Noorjahan

... Petitioner

Versus

1. The Commissioner of Police
Greater Chennai, Vepery
Chennai-7.
2. The Inspector of Police
K-4 Anna Nagar Police Station
Anna Nagar East
Chennai - 600 102

... Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus forbearing the respondents, their men, agents from in any manner interfering with the petitioner's business of Saloon and Spa namely "Peace One Saloon and Spa (Unisex)" at Door No.375, Anna Nagar 1st Main Road, Anna Nagar East, Chennai - 600 102 in the light of the order passed by this Court in WP No. 15866 of 2013 etc., (M/s. Masti Health and Beauty Private Limited and others vs. The Commissioner of Police, Chennai City, Chennai and others) reported in 2015 (1) MLJ 308.

For Petitioner

:

Mr. S. Doraisamy

For Respondents

:

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 saloon business carried on by her in the name and style of "Peace One Saloon and Spa (Unisex)" at Door No.375, Anna Nagar 1st Main Road, Anna Nagar East, Chennai - 600 102 in the light of the order passed by this Court in WP No.

15866 of 2013 etc., (M/s. Masti Health and Beauty Private Limited and others vs. The Commissioner of Police, Chennai City, Chennai and others) reported in 2015 (1) MLJ 308.

2. I heard the learned 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 [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."

3. Therefore, having regard to the submissions of the learned counsel for both sides 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 committed by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsh

To

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

+1cc to Mr. Doraisamy, Advocate, S.R.No.69765
+1cc to the Government Pleader, S.R.No.70120

SU(CO)
RS(30/01/2017)

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