

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09-02-2016

Coram

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition No. 4518 of 2016

and

W.M.P. No. 3856 of 2016

S. Kumar

.. Petitioner

Versus

1. The Commissioner of Police
The Greater Chennai Police
Vepery, Chennai

2. The Inspector of Police
Aminjikai Police Station
Chennai

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of "Bright SPA" at No.10, Muralidharan Street, Aminjikai, Chennai

For Petitioner : Mr. V. Veerapandian

For Respondents : Mr. P. Sanjay Gandhi

Additional Government Pleader
takes notice

ORDER

The petitioner has filed this writ petition seeking for issuance of a Mandamus to forbear the respondents or their servants or any one authorised by them from in any manner interfering with his peaceful conduct of business in the name and style of "Bright SPA" at No.10, Muralidharan Street, Aminjikai, Chennai.

2. The petitioner is carrying on business in the name and style of "Bright Spa" at No.10, Muralidharan Street, Aminjikai, Chennai where he is providing ayurveda treatment to his clients who come with any ailment relating to nervous disorder. According to the petitioner, such treatment is being extended to the clients by trained therapist. While so, the officials of the second respondent periodically visits the premises in the guise of enquiry on the basis of alleged complaints received by them against the petitioner to the effect that the petitioner is carrying on illegal activities in the busines place.

3. I heard the learned counsel for the petitioner as well as the learned Additional Government Pleader, who takes notice for the respondents.

4. The issue involved in this writ petition is no longer res integra. This Court, by an order dated 14.12.2015 in WP No. 37351 of 2015 passed an order in identical relief by following the earlier order passed in WP No. 12817 of 2015. The relevant portion of the order dated 14.12.2015 in WP No. 37351 of 2015 is extracted below:-

"3. The only grievance of the petitioner is that the respondents are interfering with the lawful activities of the petitioner without authority of law. The reliance has been made on the order passed by this Court in WP No. 12817 of 2015 in support of the contention made.

4. In the above said order, the following relevant paragraph are extracted hereunder.

"4. Heard the submissions of Mr. K. Dharmaraj, learned counsel appearing for the petitioner and Mr. M. Digvijaya Pandian, learned Additional Government Pleader accepts notice for the respondents.

5. It is relevant to extract paragraph 67 of the order in Hasti Health and Beauty Private Limited case (cited supra), which 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, 43 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.

6. In the light of the said order, the Writ Petition is disposed of and the respondents are directed 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. The writ petition is disposed of accordingly. Consequently, the connected Miscellaneous Petition is closed. No costs.

5. Following the order passed by this Court mentioned supra, this writ petition is disposed of and the respondents are directed 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. The writ petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rsh

To

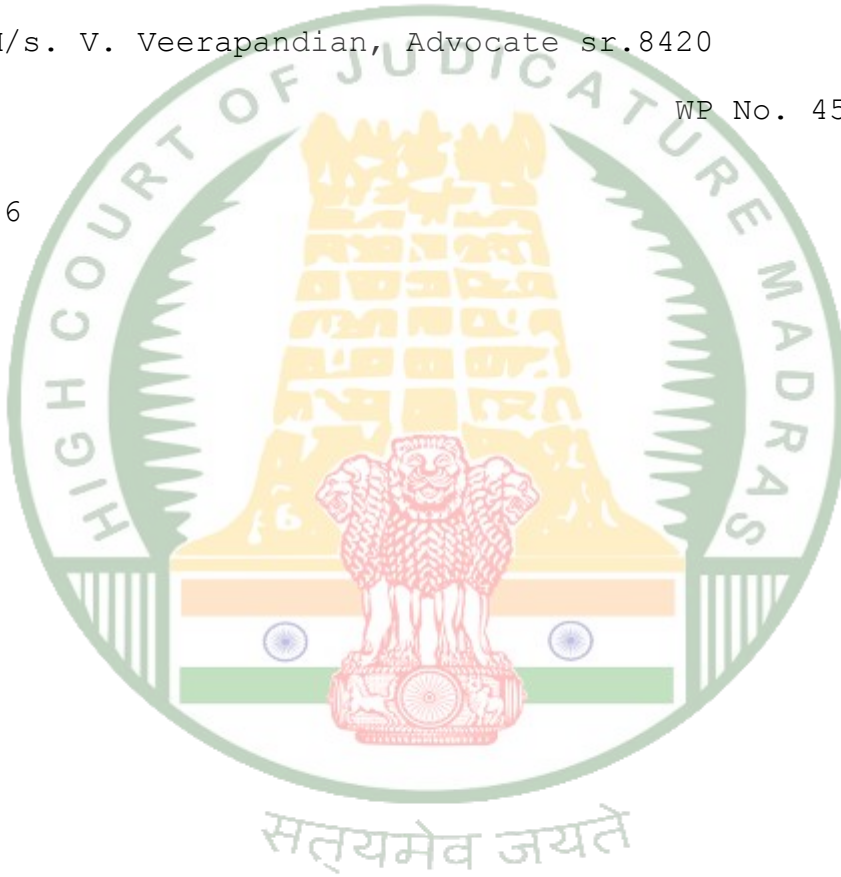
1. The Commissioner of Police
The Greater Chennai Police
Vepery, Chennai

2. The Inspector of Police
Aminjikarai Police Station
Chennai

+ 1cc to M/s. V. Veerapandian, Advocate sr.8420

WP No. 4518 of 2016

AK(CO)
Eu 25.02.16



WEB COPY