

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 574 of 2016
&
W.M.P. No. 412 of 2016

Jasmine

..Petitioner

Vs.

1. The Commissioner of Police,
The Greater Chennai,
Vepary, Chennai.
2. The Inspector of Police,
Thirumangalam Police Station,
Chennai.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of "New Unisex Saloon & SPA" at No. 19/43, 1st Floor, 18th Main Road, Anna Nagar West, Chennai - 600 040.

For Petitioner :: Mr.V. Veerapandian

For Respondents:: Mr.V. Subbiah,
Special Govt. Pleader

O R D E R

This writ petition is filed for issue of a Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of "New Unisex Saloon & SPA" at No. 19/43, 1st Floor, 18th Main Road, Anna Nagar West, Chennai - 600 040.

2. This Court, in a similar writ petition, in W.P. No. 12817 of 2015, by order dated 28.04.2015, disposed of the writ petition with the following observations:

"5. It is relevant to extract paragraph 67 of the order in Hasti Health and Beauty Private Limited case (cited supra), which reads 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 31.3.2015, 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."

3. Following the order passed by this Court in W.P. No. 12817 of 2015, there shall be a similar order in this writ petition as well on the same terms. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
The Greater Chennai,
Vepary, Chennai.
2. The Inspector of Police,
Thirumangalam Police Station,
Chennai.

+1cc to Mr.V.Veerapandian, Advocate, S.R.No.1295
+1cc to the Government Pleader, S.R.No.1789

W.P. No. 574 of 2016

kgk(CO)
srg(22/01/2016)

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