

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HON'BLE MR.JUSTICE B. RAJENDRAN

W.P. No. 12158 of 2016

M/s The Spa House
represented by its Proprietor Renuka
V.G.P. Golden Beach Resort
Injambakkam, Chennai - 600 115

... Petitioner

Versus

1.The Commissioner of Police,
Vepery, Chennai-7.

2.The Inspector of Police,
Neelangarai Police Station,
Neelangarai, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus praying to issue a writ of mandamus forbearing the respondents, their men and agent from any way interfering with the petitioner's Spa Center in the name and style of "The Spa House" running at V.G.P Golden Beach Resort, Injambakkam, Chennai-600 115.

For Petitioner	:	Mr.D.Veerasekaran
For Respondents	:	Mr.A.N.Thambi Durai Special 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 petitioner's Spa Center in the name and style of "The Spa House" at V.G.P. Golden Beach Resort, Injambakkam, Chennai.

2. 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 above decision of this Court and the facts and circumstances involved in this case, 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.

22.03.2017

Index : Yes/No

Internet:Yes/No

To

1.The Commissioner of Police,
Vepery, Chennai-7.

2.The Inspector of Police,
Neelangarai Police Station,
Neelangarai, Chennai.

B. RAJENDRAN, J

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