

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

WRIT PETITION NO.44446 OF 2016

AND

W.M.P.NO.38288 OF 2016

P.Ravi

...Petitioner

Vs.

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

2. The Inspector of Police,
J7, Velachery Police Station,
Chennai - 600 042.

Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus for forbear the respondents or their men, or agent from interfering with the peaceful conduct of business, i.e., cross massage in the name and style of 'Ajantha Spa' Unisex Salon at No.40/41, Velachery Main Road, Gowrivakkam, Chennai - 600 073.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.S.V.Doraisolaimalai
Additional Government Pleader

O R D E R

The petitioner has filed this Writ Petition seeking issuance of a Mandamus, forbearing the respondents or their men, or agent from interfering with his peaceful conduct of business, i.e., cross massage, run under the name and style of 'Ajantha Spa' Unisex Salon at No.40/41, Velachery Main Road, Gowrivakkam, Chennai - 600 073.

2. The case of the petitioner, as seen from the affidavit filed in support of this Writ Petition is that, he is running a Massage Centre. According to him, there is no necessity for obtaining any licence/permission from any Government Authorities/Local body for conducting the said business. While that being so, the respondents, under the guise of enquiry/investigation are often disturbing the petitioner from

running the business and also insisting upon the petitioner to close the premises. Hence, the petitioner is constrained to file this Writ Petition to forbear the respondents from doing so.

3. The learned counsel appearing for the petitioner has drawn the this Court's attention to the order passed by the learned Single of this Court, in W.P.No.37951 of 2015, dated 14.12.2015, wherein, a prayer, similar to the prayer sought herein was considered and the said Writ Petition was disposed, with certain conditions. The learned counsel also submits that following the said Writ Petition, many Writ Petitions, wherein, similar prayer was sought for have been disposed of by this Court. Hence, the learned counsel prayed that similar direction, as issued in W.P.No.37951 of 2015, may be issued in the present as well.

4. Though the learned counsel contends that the issue involved in this writ petition is no longer res integra, and it has been covered by the decision of this Court in the case of Hasti Health and Beauty Pvt. Ltd., and also annexed various decisions of this Court in the form of typed set of papers, however, this Court, felt something fishy that the earlier decision rendered by this Court are being misused by certain persons, and hence, directed the learned Additional Government Pleader for the respondents to find out veracity of the case of the petitioner. The Additional Government Pleader, as per the direction of this Court, instructed the respondents to verify the genuineness of the case of the petitioner, pursuant to which, the respondent/Police conducted investigation at the place of business of the petitioner, and on enquiry, it came to light that even the address of the owner of the SPA centre is not known, and when the persons, who are employed therein were enquired about as to who is the owner of the SPA Centre, they were unable to give any answer, and on verification of documents/records available at the SPA Centre, a document, containing the name of the owner was found, but, when an enquiry was conducted at the address mentioned in the document, it was found that there is no such person residing there and the address is bogus.

5. Thus, as rightly suspected by this Court, the petitioner has approached this Court by way of filing the present Writ Petition, stating as if his peaceful conduct of the business has been disturbed by the respondents under the guise of inspection. The act of the petitioner, in playing fraud for securing the benefit of the similar order and approaching this Court with unclean hands, is highly reprehensible. Hence, this Court deems fit not only to dismiss the Writ Petition but also to impose cost of Rs.3,000/- on the petitioner for suppression of materials facts, as the same would serve as an example for

other persons, who are adopting such tactics. Accordingly, the petitioner is directed to pay a sum of Rs.3,000/- to the Tamil Nadu Mediation and Conciliation Centre, attached to this Court, within a period of one week from today, and shall produce the receipt for effecting such payment before this Court after next week.

6. In the result, the Writ Petition is dismissed. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai.
2. The Inspector of Police,
J7, Velachery Police Station,
Chennai - 600 042.
- 3.The Tamil Nadu Mediation
and conciliation centre,
High Court,Madras

+1cc to Government Pleader sr.742

+1cc to Mr.S.Ramesh Babu,Advocate sr.920

सत्यमेव जयते

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vsn(co)
ss(4/4/2017)

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