

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

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THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No. 24058 of 2017

M/s.Asian Spa

Represented by its Managing Director,

P.C.Ravikrishnan Raaja,

S/o.P.K.Chellappa Raja,

Flat No.A-4, 1st floor, Quanta Chrome,

No.56/57, Chitlapakkam, 1st Main Road,

Nehru Nagar, Chrompet, Chennai- 600064. ... Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai- 600 007.

2. The Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai- 600 043.

3. The Deputy Commissioner of Police,
South Chennai, St.Thomas Mount,
Chennai- 600 016.

4. The Assistant Commissioner of Police,
Selaiyur, Chennai- 600 073.

5. The Inspector of Police,
S-12,Chitlapakkam Police Station,
Chitlapakkam, Chennai- 600 064. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus forbearing the respondents or their men, agents or any one acting through them from interfering with the peaceful and lawful conduct of the petitioner's business at Flat No.A-4, 1st floor,Quanta Chrome, No.56/57, Chitlapakkam, 1st Main road, Nehru Nagar, Chrompet , Chennai- 600 064 in the name and style of M/s.Asian Spa offering various Spa therapies by both sexes in their business.

For Petitioner : Mr. Pitty Parthasarathy

For Respondents : Mrs.R.Krishna Priya

Additional Government Pleader.

O R D E R

In identical circumstances, this Court had entertained Writ Petition and passed orders regulating the powers of police to interfere with the business of running health spa.

2. After careful consideration of the submission made by the learned counsel for the petitioner as well the Additional Government Pleader, I am of the view that the similar regulations can be made in the present case also.

3. Accordingly, the Writ Petition stands disposed of with the following directions:

(a) So long as the petitioner's spa is engaged in lawful activities, there would be no cause of action for the respondents/ police to interfere with the petitioner's business and to take action against her employees.

(b) Further, this Court makes it clear that the Respondents/ police are entitled to take action in the event of any illegal activity being carried out in the petitioner's spa.

(c) The Respondents/ police shall not disturb the petitioner's spa under the guise of inspection without there being any reliable information as to the illegal activities of the petitioner's spa or its members.

(d) In order to ascertain, whether the petitioner's spa is used for any illegal activities, the respondents/ police is entitled to cause an inspection and if they find any violation of any law or rules and regulations, then they are at liberty to take such action as they deem fit and proper based on the facts and circumstances of the case.

4. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
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Vepery, Chennai- 600 007.

2. The Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai- 600 043.

3. The Deputy Commissioner of Police,
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Selaiyur, Chennai- 600 073.

5. The Inspector of Police,
S-12, Chitlapakkam Police Station,
Chitlapakkam, Chennai- 600 064.

+1cc to Mr.Pitty Parthasarathy, Advocate SR.No.5054

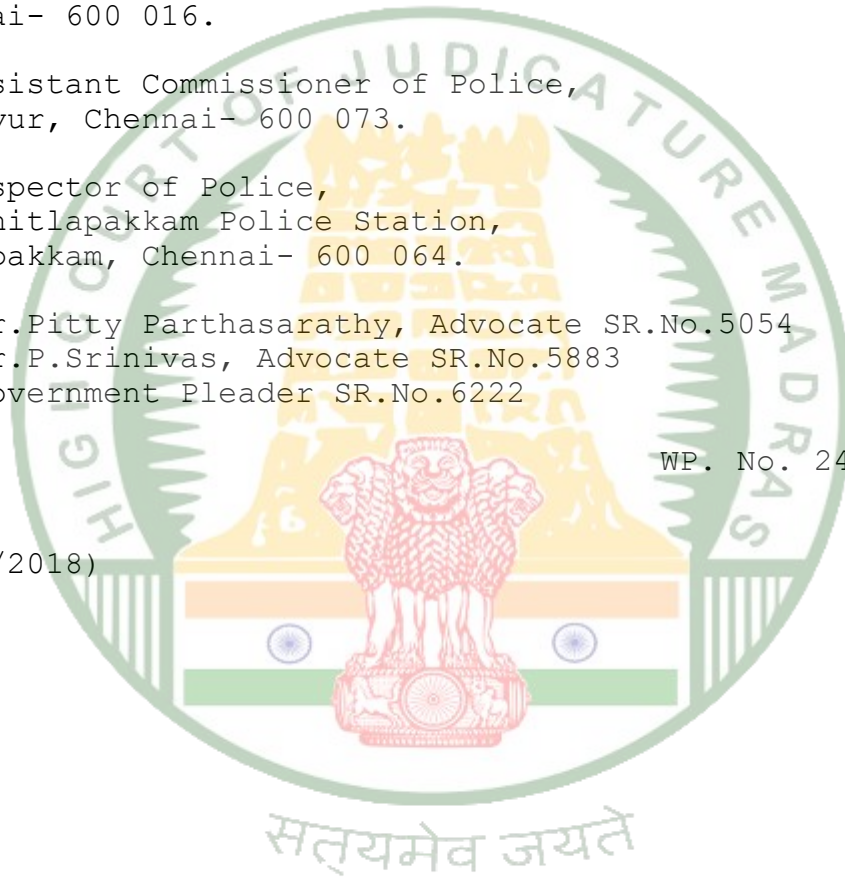
+1cc to Mr.P.Srinivas, Advocate SR.No.5883

+1cc to Government Pleader SR.No.6222

WP. No. 24058 of 2017

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GMD(10/02/2018)



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