

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 02.11.2018  
CORAM  
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.14484 of 2014  
and M.P.No.1 of 2014

M/s.Chill N Chill Body Massage and Health Spa,  
No.6, Ramanantha Nagar Road,  
Saravanampatti, Coimbatore,  
Represented by its Partner  
D.Prasath.

... Petitioner

Vs

- 1.The Secretary to Government,  
Home Department,  
Fort St. George,  
Chennai - 600 009.
- 2.The Director General of Police,  
Rajaji Salai, Chennai - 4.
- 3.The Commissioner of Police,  
Coimbatore City,  
Coimbatore.
- 4.The Inspector of Police,  
Saravanampatti Police Station,  
Coimbatore.
- 5.K.R.Selvaraju

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, forbearing the respondents from interfering with the lawful Spa business of the petitioner and direct 2<sup>nd</sup> and 3<sup>rd</sup> respondents to take action on the complaint of the petitioner dated 17.04.2014 against the 4<sup>th</sup> respondent.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.E.Balamurugan  
Special Government Pleader

ORDER

The prayer made in this writ petition is to forbear the respondents from interfering with the Spa business of the

petitioner and also to direct the respondents 2 and 3 to take action on the complaint given by the petitioner dated 17.04.2014 against the fourth respondent.

2. According to the petitioner, they are into trading Ayurvedic Products and conducting Ayurvedic Centre, including Massage Therapy in accordance with law. They established the business in the premises of the fifth respondent after entering into a lease agreement dated 06.10.2013. Due to a dispute arose between the parties, the fifth respondent approached the fourth respondent and made an allegation that the petitioner is involving in illegal activities. Based on the same, the fourth respondent conducted a raid on 12.04.2004. Though he did not find any material against the petitioner, he made illegal demand and also threatened to foist a false case against him. In this regard, the petitioner preferred a complaint dated 17.04.2014 to the respondents 2 and 3 against the fourth respondent. While so, the respondents 4 and 5 joined together and made an attempt to vacate the petitioner from the premises in question. Hence, the petitioner moved a Civil Suit and obtained an interim order against the fifth respondent. Having failed their attempt to evict the petitioner, the respondents 4 and 5, with the help of one P.Rangaraj, lodged a false complaint, which was registered as Cr.No.330 of 2014 against the petitioner. Due to the same, the petitioner is unable to run their business activities. Hence, this writ petition.

3. A detailed counter affidavit has been filed by the fourth respondent inter alia stating that there is no nexus between the respondents 4 and 5 as alleged by the petitioner; the respondents have no interest in supporting the cause of the fifth respondent in evicting the petitioner; and the then Inspector of Police has not made any illegal demand and has not foisted any case against the petitioner.

4. The learned counsel for the petitioner submitted that this Court, in similar circumstances, following the ratio laid down by this Court in Masti Health and Beauty Private limited & Others V. The Commissioner of Police, Chennai City [2015(1) MLJ 308], by order dated 14.03.2016, disposed of the writ petition in W.P.No.9380 of 2016, directing the respondents therein to comply with the directions/conditions imposed in paragraph 67 of the order in Masti Health and Beauty Private limited (supra) and also directing the petitioner, not to indulge in any unlawful or illegal activities detrimental to law and order or public order, under the guise of carrying on business activity. For better appreciation, para 67 of the said order is reproduced hereunder:

"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) .... 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."

Therefore, the learned counsel sought a similar order in this writ petition as well.

5. The learned Special Government Pleader appearing for the respondents submitted that on receipt of complaint stating that without licence/registration certificate, the petitioner is running their business illegally, the respondent police have conducted enquiry and hence, they have no intention to interfere with the business of the petitioner.

6. Heard both sides and perused the records.

7. The petitioner has sought appropriate direction to the respondents, alleging that the respondent - police are frequently interfering with the spa/massage business of the petitioner, under the guise of enquiry, whereas, the stand taken by the respondent police is that they are just carrying out their statutory obligation to ensure that no premises is used for any unlawful activity and their intention is not to close down the business of the petitioner, but, only to ensure that the petitioner does not carry on any activity, which is prohibited by law, within their four walls.

8. On a perusal of the documents produced before this Court,

it could be seen that there is a civil dispute between the petitioner and the fifth respondent, besides a criminal case pending against the petitioner. In such circumstances, considering the submissions of the respondents, on the basis of the complaint received that the practice of massage therapy and the running of massage business may, in all probability, be associated with unlawful activities and pose a serious threat to decent living in the local community, this Court is not inclined to grant any relief to the petitioner.

9. As a sequitur, this writ petition is dismissed. However, the petitioner is at liberty to approach the respondent authority for appropriate relief. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,  
Home Department, Fort St. George,  
Chennai - 600 009.

2.The Director General of Police,  
Rajaji Salai, Chennai - 4.

3.The Commissioner of Police,  
Coimbatore City, Coimbatore.

4.The Inspector of Police,  
Saravanampatti Police Station,  
Coimbatore.

+1cc to Mr.M.Devaraj, Advocate sr.75760  
+2cc to Mr.M.Ravi, Advocate sr.75786, 75761

W.P.No.14484 of 2014

cp(co)  
nr 09/04/2019