

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018
CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.19641, 31408 of 2017 and 33977 of 2017
and 2185, 4949, 5474, 5603 to 5608, 5656, 17526, 17527, 17529 to
17532, 19848, 22358, 26628, 28272, 28440 and 28562 of 2018
and W.M.P.Nos. 21212 & 21213/2017, 37694/2017, 2695/2018,
6102/2018, 20795 & 20796/2018, 20798 to 20801/2018,
26199/2018, 30999/2018 & 33167/2018.

- 1 K.REVATHY
WIFE OF KARUNAKARAN
NO.33, AYYANAR KOIL STREET,
R.K.NAGAR, ARIYANKUPPAM
PUDUCHERRY - 605 007.PETITIONER IN WP.NO.19641 OF 2017
- 1 M/S.PANCHAKARMA AYURVEDIC
RETREAT CENTER AND THE AYURVEDIC SPA OLD NO.
39/1 NEW NO.46 THAIYUR ROAD KELAMBAKKAM
CHENNAI-603 103 REP. BY ITS PROPRIETOR
MR.AKHIL RAVI
.... PETITIONER in W.P.No.31408 of 2017
- 1 R.RAJESH
NO.486/445 SRI BAGYALAKSHMI SHOPPING
COMPLEX P.N.ROAD TIRUPPUR 641 602
.... PETITIONER in WP No.2185 of 2018
- 1 M/S. MITHRA RESORTS AND
CLUB PVT LTD. REP BY ITS DIRECTOR
V.VINOTH KUMAR NO.2 PERUR MAIN ROAD
VAIKKALPALLAM
COIMBATORE- 641 010.PETITIONER in WP No.4949 of 2018
- 1 MRUTHASANJEEVANI MEDI SPA
REP. BY ITS PROPRIETOR ROOPESH HOTEL
WINDSOR CASTLE NO. 14 RAJAGOPALACHARI ROAD
HASTHAMPATTY SALEM 7
.... PETITIONER in WP No.5474 of 2018
- 1 M/S.RIVER SALON AND DAY SPA
REP BY ITS OPERATION HEAD MUSTAFA MAHABOOB
19/10 SEETHAMMAL EXTENSION 2ND CROSS
STREET ALWARPET CHENNAI 18
....PETITIONER in WP No.5603 of 2018

- 1 M/S.RIVER SALON AND DAY SPA
REP BY ITS OPERATION HEAD MUSTAFA MAHABOOB
19/10 SEETHAMMAL EXTENSION 2ND CROSS
STREET ALWARPET CHENNAI 18
... PETITIONER in WP No.5604 of 2018
- 1 M/S.RIVER SALON AND DAY SPA
REP BY ITS OPERATION HEAD MUSTAFA MAHABOOB
19/10 SEETHAMMAL EXTENSION 2ND CROSS
STREET ALWARPET CHENNAI 18
... PETITIONER in WP No.5605 of 2018
- 1 M/S.RIVER SALON AND DAY SPA
REP BY ITS OPERATION HEAD MUSTAFA MAHABOOB
19/10 SEETHAMMAL EXTENSION 2ND CROSS
STREET ALWARPET CHENNAI 18
... PETITIONER in WP No.5606 of 2018
- 1 M/S.RIVER SALON AND DAY SPA
REP BY ITS OPERATION HEAD MUSTAFA MAHABOOB
19/10 SEETHAMMAL EXTENSION 2ND CROSS
STREET ALWARPET CHENNAI 18
... PETITIONER in WP No.5607 of 2018
- 1 M/S.RIVER SALON AND DAY SPA
REP BY ITS OPERATION HEAD MUSTAFA MAHABOOB
19/10 SEETHAMMAL EXTENSION 2ND CROSS
STREET ALWARPET CHENNAI 18
... PETITIONER in WP No.5608 of 2018
- 1 MRUTHASANJEEVANI MEDI SPA
REP BY ITS PROPRIETOR ROOPESH NO. 502
AYYANTHIRU MALIGAI HASTHAMPATTY SALEM 7
... PETITIONER in WP No.5656 of 2018
- 1 M/S. WILLOWS SPA & CO.
REP. BY ITS PARTNER HEMAJWAALINI NO. 16/
23 VASANTHA AVENUE MRC NAGAR MAIN ROAD
RAJA ANNAMALI PURAM CHENNAI - 600028
... PETITIONER in WP No.17526 of 2018
- 1 M/S. WILLOWS SPA & CO.
REP. BY ITS PARTNER HEMAJWAALINI NO. 16/
23 VASANTHA AVENUE MRC NAGAR MAIN ROAD
RAJA ANNAMALI PURAM CHENNAI - 600028
... PETITIONER in WP No.17527 of 2018
- 1 M/S. WILLOWS SPA & CO.
REP. BY ITS PARTNER HEMAJWAALINI NO. 16/
23 VASANTHA AVENUE MRC NAGAR MAIN ROAD

RAJA ANNAMALI PURAM CHENNAI - 600028

... PETITIONER in WP No.17529 of 2018

1 M/S. WILLOWS SPA & CO.

REP. BY ITS PARTNER HEMAJWAALINI NO. 16/

23 VASANTHA AVENUE MRC NAGAR MAIN ROAD

RAJA ANNAMALI PURAM CHENNAI - 600028

... PETITIONER in WP No.17530 of 2018

1 M/S. WILLOWS SPA & CO.

REP. BY ITS PARTNER HEMAJWAALINI NO. 16/

23 VASANTHA AVENUE MRC NAGAR MAIN ROAD

RAJA ANNAMALI PURAM CHENNAI - 600028

... PETITIONER in WP No.17531 of 2018

1 M/S. WILLOWS SPA & CO.

REP. BY ITS PARTNER HEMAJWAALINI NO. 16/

23 VASANTHA AVENUE MRC NAGAR MAIN ROAD

RAJA ANNAMALI PURAM CHENNAI - 600028

... PETITIONER in WP No.17532 of 2018

1 DEVIKALA GOPALAKRISHNAN

PROPRIETRIX HAUTE LOOKS LUXURY UNISEX SALON

AND SPA NO. 9/7 THE RAIN TREE PLACE MC

NICHOLS ROAD CHETPET CHENNAI - 31

... PETITIONER in WP No.19848 of 2018

1 S.SARIGA

D/O.SAKTHIVEL NO.169 LENIN STREET

KOSAPALAYAM PUDUCHERRY-605 013

... PETITIONER in WP No.22358 of 2018

1 R.VIGNESH

H-8 HOUSING UNIT S.H.COLONY

COIMBATORE

... PETITIONER in WP No.26628 of 2018

1 K.REVATHI

PROPRIETOR OF APPLE SALOON DOOR NO Z-

292(116) 2ND AVENUE ANNA NAGAR CHENNAI

... PETITIONER in WP No.28272 of 2018

1 S.SAKTHIVEL

PLOT NO.62 LAKSHMI APARTMENT

DEVI KARUMARI

AMMAN NAGAR NERKUNDRAM CHENNAI - 600107

... PETITIONER in WP No.28440 of 2018

1 VIMAL THRESIA

PROP. P.S.SPA NO. 41A AND 41B DAFFODILS

VILLA SNOW DOWN ROAD UDHAGAMANDALAM THE

NILGIRIS DISTRICT

... PETITIONER in WP No.28562 of 2018

1 S. MANJULA
W/O.J.CHITHANANDAR NO.11 C BLOCK 6TH STREET
ANNA NAGAR EAST CHENNAI-600 102.
... PETITIONER in W.P.No. 33977 of 2017.
Vs

1.THE SECRETARY
DEPARTMENT OF HOME
GOVERNMENT OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.

2.THE DIRECTOR GENERAL OF POLICE
GOVERNMENT OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.

3.THE SENIOR SUPERINTENDENT OF POLICE (LAW & ORDER)
GOVERNMENT OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.

4.THE INSPECTOR OF POLICE
MUDALIARPET POLICE STATION
MUDALIARPET, PUDUCHERRY.

...RESPONDENTS in W.P.No.19641/2017.

1 THE SECRETARY TO THE GOVT.
OF TAMILNADU DEPARTMENT OF HOME FORT ST.
GEORGE CHENNAI-9

2 THE SUPERINTENDENT OF POLICE
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE SPECIAL OFFICER
THIRUPORUR PANCHAYAT UNION THIRUPORUR 603
103

4 THE INSPECTOR OF POLICE
E-8 KELAMBAKKAM POLICE STATION
KELAMBAKKAM KANCHEEPURAM DISTRICT

(R4-IMPLEADED AS PER ORDER
DT.09.01.2018 BY KRCBJ IN WMP.35135/2017 IN
WP.31408/2017)

... RESPONDENTS in WP No.31408 of 2017

1 THE SUPERINTENDENT OF POLICE
TIRUPPUR TIRUPPUR DISTRICT.

2 THE INSPECTOR OF POLICE
NORTH STATION TIRUPPUR DISTRICT.

... RESPONDENTS in WP No.2185 of 2018

- 1 THE COMMISSIONER OF
POLICE COIMBATORE.
- 2 THE ASSISTANT COMMISSIONER
OF POLICE SELVAPURAM RANGE COIMBATORE.
- 3 THE INSPECTOR OF POLICE
D-2 SELVAPURAM LAW AND ORDER POLICE STATION
COIMBATORE. ... RESPONDENTS in WP No.4949 of 2018
- 1 THE COMMISSIONER OF POLICE
O/O COMMISSIONER SALEM CITY SALEM
- 2 THE INSPECTOR OF POLICE
HASTHAMPATTY POLICE STATION SALEM 7
... RESPONDENTS in WP No.5474 of 2018
- 1 THE COMMISSIONER OF POLICE
GREATER CHENNAI NO. 132 EVK SAMPATH ROAD
VEPERY CHENNAI 7
- 2 THE INSPECTOR OF POLICE
E-3 TEYNAMPET POLICE STATION CHENNAI
... RESPONDENTS in WP No.5603 of 2018
- 1 THE COMMISSIONER OF POLICE
GREATER CHENNAI NO. 132 EVK SAMPATH ROAD
VEPERY CHENNAI 7
- 2 THE INSPECTOR OF POLICE
K-11 CMBT POLICE STATION CHENNAI
... RESPONDENTS in WP No.5604 of 2018
- 1 THE COMMISSIONER OF POLICE
HOSUR ROAD COIMBATORE CENTRAL
COIMBATORE 641 018
- 2 THE INSPECTOR OF POLICE
B-12 UKKADAM POLICE STATION PALAKKAD MAIN
ROAD UKKADAM COIMBATORE 641 001
... RESPONDENTS in WP No.5605 of 2018
- 1 THE COMMISSIONER OF POLICE
GREATER CHENNAI NO. 132 EVK SAMPATH ROAD
VEPERY CHENNAI 7
- 2 THE INSPECTOR OF POLICE
R-9 VALASARAVAKKAM POLICE STATION CHENNAI
... RESPONDENTS in WP No.5606 of 2018

1 THE COMMISSIONER OF POLICE
ATHIMARA THOTTAM THIRUPULUGUPATTI POST
TIRUPUR 641 601

2 THE INSPECTOR OF POLICE
ANUPPARPALAYAM POLICE STATION TIRUPPUR
... RESPONDENTS in WP No.5607 of 2018

1 THE SUPERINTENDENT OF POLICE
DISTRICT POLICE OFFICE SATHUVACHERI
VELLORE 632 009

2 THE INSPECTOR OF POLICE
VELLORE SOUTH POLICE STATION ARNI ROAD SH-
9 SAIDAPET VELLORE
... RESPONDENTS in WP No.5608 of 2018

1 THE COMMISSIONER OF POLICE
O/O.COMMISSIONER SALEM CITY SALEM

2 THE INSPECTOR OF POLICE
KANNAKRUCHI POLICE STATION SALEM .8.
(R2-AMENDED AS PER ORDER DT.17.04.18 BY TRJ IN
WMP.8874/18 IN WP.5656/18)
... RESPONDENTS in WP No.5656 of 2018

1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI

2 THE INSPECTOR OF POLICE
G-3 KILPAUK POLICE STATION KILPAUK
CHENNAI - 600010
... RESPONDENTS in WP No.17526 of 2018

1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI

2 THE INSPECTOR OF POLICE
E-5 PATTINAMPAKKAM POLICE STATION
PATTINAPKKAM CHENNAI - 600028
... RESPONDENTS in WP No.17527 of 2018

1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI

2 THE INSPECTOR OF POLICE
K-4 ANNA NAGAR POLICE STATION ANNA NAGAR
CHENNAI-600 040.
... RESPONDENTS in WP No.17529 of 2018

- 1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI
- 2 THE INSPECTOR OF POLICE
F-3 NUNGAMBAKKAM POLICE STATION
NUNGAMBAKKAM CHENNAI-600 034.
... RESPONDENTS in WP No.17530 of 2018
- 1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI
- 2 THE INSPECTOR OF POLICE
J-1 SAIDAPET POLICE STATION SAIDAPET
CHENNAI - 600035
... RESPONDENTS in WP No.17531 of 2018
- 1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI
- 2 THE INSPECTOR OF POLICE
R-9 VALASARAVAKKAM POLICE STATION R-9
VALASARAVAKKAM CHENNAI - 600087
... RESPONDENTS in WP No.17532 of 2018
- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT HOME
DEPARTMENT FORT ST.GEORGE CHENNAI - 600009
- 2 THE COMMISSIONER OF POLICE
GREATER CHENNAI EGMORE CHENNAI - 8
- 3 THE COMMISSIONER
GREATER CHENNAI CORPORATION RIPON BUILDINGS
CHENNAI - 3
- 4 THE INSPECTOR OF POLICE
G-7 POLICE STATION CHETPET CHENNAI - 31
... RESPONDENTS in WP No.19848 of 2018
- 1 THE SUPERINTENDENT OF POLICE
NEHRU STREET PUDUCHERRY-1.
- 2 THE INSPECTOR OF POLICE
URULAIYANPETTAI POLICE STATION PUDUCHERRY-1
... RESPONDENTS in WP No.22358 of 2018
- 1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI
- 2 THE INSPECTOR OR POLICE
R-7 K.K. NAGAR POLICE STATION K.K.NAGAR
CHENNAI
... RESPONDENTS in WP No.26628 of 2018

- 1 THE COMMISSIONER OF POLICE
VEPERY CHENNAI
- 2 THE ASSISTANT COMMISSIONER O
F POLICCE AVS WING ANNA NAGAR CHENNAI
- 3 THE INSPECTOR OF POLICE
K4 POLICE STATION ANNA NAGAR CHENNAI
... RESPONDENTS in WP No.28272 of 2018
- 1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI -
600 008.
- 2 THE INSPECTOR OF POLICE
R-7 K.K.NAGAR POLICE STATION K.K.NAGAR
CHENNAI - 600 078.
... RESPONDENTS in WP No.28440 of 2018
- 1 THE SUPERINTENDENT OF POLICE
OFFICE OF THE SUPERINTENDENT OF POLICE
UDHAGAMANDALAM THE NILGIRIS DISTRICT
- 2 THE INSPECTOR OF POLICE
G-1 POLICE STATION HOSPITAL ROAD UPPER
BAZZAR UDHAGAMANDALAM THE NILGIRIS DISTRICT
... RESPONDENTS in WP No.28562 of 2018
- 1 THE COMMISSIONER OF POLICE
GREATER CHENNAI CITY VEPERY
CHENNAI-600 007.
- 2 THE DEPUTY COMMISSIONER OF
POLICE AMBATTUR DISTRICT CHENNAI.
- 3 THE INSPECTOR OF POLICE
ANTI VICE SQUAD CHINTADRI PET CHENNAI-600
002.
- 4 THE INSPECTOR OF POLICE
K-4 ANNA NAGAR POLICE STATION CHENNAI.
... RESPONDENTS in WP No.33977 of 2017

Prayer in W.P.No.19641 of 2017:

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, forbearing the respondents, their men and agents from in any manner interfering with the petitioner's business in the name & style of "M/s.Patanjali Nature's Family Beauty Saloon & Spa" situated at Door No.354, I Floor, Cuddalore Main Road, Nainarmandapam, Puducherry - 605 004.

WP No.31408 of 2017

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents 1 and 2 their men and agents from in anyway interfering with the petitioners business of treatment done by the qualified therapist for opposite sex in the M/s.Panchkarma Ayurvedic Retreat Center and the Ayurvedic Spa, represented by its Proprietor Mr.Akhil Ravi functioning at Old No.39/1, New No.46, Thaiyur Roadk, Kelambakkam, Chennai 603 103

WP No.2185 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents or their men or agents from interfering with the peaceful conduct of business in the name of Lotus Cute Spa by the petitioner

WP No.4949 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of MITHRA RESORTS AND CLUB PVT LTD., situated at No.2, perur main road, Vaikkalpallam, Coimbatore-641 010

WP No.5474 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, subordinate or anyone acting on their behalf from in any manner interfering with business of the petitioners business namely Mruthasanjeevani Medi SPA situated at Hotel Windsor Castle No. 14, Rajagopalachari Road, Hasthampatty, Salem 7 except by due process of law

WP No.5603 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, agents, from interfering with the peaceful conduct of business of the petitioner in the name and style of River Salon and Day Spa at 19/10, Seethammal Extension, 2nd Cross Street, Alwarpet, Chennai 18

WP No.5604 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, agents, from interfering with the peaceful conduct of business of the petitioner in the name and style of River Salon and Day Spa at 33/21, Jai Nagar, 2nd Main Road, 8th Street, Arumbakkam, Chennai 106

WP No.5605 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, agents, from interfering with the peaceful conduct of business of the petitioner in the name and style of River Salon and Day Spa at Park Service Apartments, No.70, R.R. Layouts, R.S. Puram, Coimbatore 641 001

WP No.5606 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, agents, from interfering with the peaceful conduct of business of the petitioner in the name and style of River Salon and Day Spa at No. 85/86, Hotel Grand Residency, 4th Floor, Arcot Road, Karambakkam, Porur, Chennai 116

WP No.5607 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, agents, from interfering with the peaceful conduct of business of the petitioner in the name and style of River Salon and Day Spa at Poppys Hotel, Avinasi Road, Thirumuruganpoondi, Tirpur 641 652

WP No.5608 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, agents, from interfering with the peaceful conduct of business of the petitioner in the name and style of River Salon and Day Spa at Tulsi Complex, No.1 NK Street, Tollgate Main Road, Krishna Nagar, Vellore

WP No.5656 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus forbearing the respondents, their men, subordinate are any one acting on their behalf from in any manner interfering with business of the petitioners business namely Mruthasanjeevani medi SPA situated at No. 502, Ayyanthiru Maligai, Hasthampatty, Salem 7 except by due process of law

WP No.17526 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. Cross massage in the name and style of \" Willows Spa & Co\", situated at No. 235/ 1, Kilpauk Garden Road, Kilpauk, Chennai - 10

WP No.17527 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their

men, agents from interfering with the peaceful conduct of business i.e. Cross message in the name and style of \"Willows Spa & Co\", situated at No. 16/ 23, Vasantha Avenue, MRC Nagar main Road, Raja Annamalai Puram, Chennai - 600028

WP No.17529 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. Cross message in the name and style of \"Willows Spa & Co\", situated at 27/17, Anna Nagar X Block, 5th Street, Opp. to Anna Nagar Tower Park, Chennai-600 040

WP No.17530 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. Cross message in the name and style of \"Willows Spa & Co\", situated at No.16/33, Pushpa Nagar Main Road, Nungambakkam, Chennai-600 034

WP No.17531 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. Cross message in the name and style of \"Willows Spa & Co\", situated at No. 112, Pasumpon Muthuramalinga Thevar Road, Chamiers Park Hotel, Nandanam, Chennai - 600035

WP No.17532 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. Cross message in the name and style of \"Willows Spa & Co\", situated at No. 57, 9th Street, Sri Lakshmi Nagar, Valasaravakkam, Chennai - 600087

WP No.19848 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing respondents, their men and agents in any way interfering with the petitioners business of Salon and Spa being run under the name and style of Zique Salon and Spa at No.9/ 7, the Rain Tree Place, Mc Nichols Road, Chetpet, Chennai - 600031

WP No.22358 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross message in the name and style of CHARU BEAUTY PARLOUR & SPA, No.169, Lenin Street, Kosapalayam,

Puducherry-605 013

WP No.26628 of 2018

to issue a Writ of Mandamus or order or direction in nature of writ forbearing the Respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of M/s. AMATA FAMILY SALOON HAIR CUTTING SALOON WITH AC was situated at No.127, K.K.Nagar, East Vanniar Street, Virugambakkam, Chennai-600078

WP No.28272 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus to forbear the respondents from interfering with the peaceful conduct of business of the petitioners SPA and Saloon business at door no Z-292(116), 2nd avenue, Anna Nagar, Chennai 600040

WP No.28440 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus To pleased to issue a Writ of Mandamus or Order or Direction in nature of writ forbearing the Respondents or their men, agents from interfering with the peaceful conduct of business.

WP No.28562 of 2018

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents, their men and agents from interfering with the peaceful conduct of business in the name and style of P.S. SPA at No. 41A and 41B, Daffodia Villa Snow Down Road, Udthagamandalm, The Nilgiris District

WP No.33977 of 2017

To issue a Writ , order or direction, specifically Writ in the nature of a Writ of Mandamus Forbearing the respondents, their men, agents or claiming anybody under them from interfering with petitioners conduct of business in the same and style of \"B+H Makeover Family Saloon\" and SPA at No.11, C Block, 6th Street, Anna Nagar East, Chennai-600 102.

W.P.19641/2017:

For Petitioner

in W.P.No.19641/2017 :Mr.Sai Bharath

For Respondents

in W.P.No. 19641/2017:Mr.V.Shanmuga Sundar

Special Government Pleader

W.P.No.31408/2017:

Mr.R. Mohanan - Counsel for Petitioner in W.P.No.31408/2017
Mr.E. Balamurugan,
Additional Govt. Pleader -for Respondents

W.P.No.33977/2017:

Mr.William Shakeaphere- Counsel for Petitioner in
W.P.No.33977/2017.
Mr.E. Balamurugan,
Additional Govt. Pleader -for Respondents

W.P.No.2185/2018:

Mr.T. Saravanan- Counsel for Petitioner in W.P.No.2185/2018
Mr.V. Shanmugasundar,
Special Govt. Pleader -for Respondents in W.P.No.2185/2018.

W.P.No.4949/2018:

Mr.A. Saravanan- Counsel for Petitioner in W.P.No.4949/2018
Mr.E. Balamurugan,
Special Govt. Pleader -for Respondents in W.P.No.4949/2018.

W.P.No.5474/2018:

M/s.P. Tamilavel- Counsel for Petitioner in W.P.No.5474/2018
Mr.E. Balamurugan-
Special Govt. Pleader -for Respondents in W.P.No.5474/2018.

W.P.No.5603 to 5608/2018:

M/s.R. Murali- Counsel for Petitioners in W.P.No.5603 to
5608/2018.
Mr.J. Ramesh,
Additional Govt.Pleader-for Respondents in W.P.No.5603 to
5608/2018.

W.P.No.5656/2018:

Mr.P. Tamilavel- Counsel for Petitioner in W.P.No.5656/2018
Mr.E. Balamurugan
Special Govt. Pleader-for Respondents in W.P.No.5656/2018.

W.P.No.17526, 17527 and 17529 to 17532/2018:

Mr.G. Arulmurugan- Counsel for Petitioner in W.P.No.17526, 17527
& 17529 to 17532/2018.

Mr.J. Ramesh,
Additional Govt. Pleader- for Respondents in W.P.No.17526,
17527/2018.

Mr.V. Shanmugasundar
Special Govt. Pleader- for Respondents in W.P.No.17529 to
17532/2018.

W.P.No.19848/2018:

Mr.V.G. Suresh Kumar- Counsel for Petitioner in W.P.No.19848/2018
Mr.V. Shanmugasundar - for Respondent in W.P.No.19848/2018.

W.P.No.22358/2018:

M/s.S. Leonard Vasanth- Counsel for Petitioner in W.P.22358/2018.

M/s.B. Nambiselvan
Additional Govt. Pleader(POny)- for Respondents in
W.P.22358/2018.

W.P.26628/2018:

M/s.K.Annamma -Counsel for Petitioner in W.P.26628/2018
Mr.E. Balamurugan
Special Govt. Pleader- For Respondents in W.P.26628/2018.

W.P.28272/2018:

Mr.T. Nirmaleswar- Counsel for Petitioner in W.P.28272/2018
Mr.J. Ramesh
Additional Govt. Pleader- For Respondents in W.P.28272/2018

W.P.28440/2018:

M/s. Annamma- Counsel for Petitioner
Mr.E. Balamurugan
Special Govt. Pleader- for Respondents.

W.P.28562/2018:

Mr.C.C. Chellappan- Counsel for Petitioner
Mr.J. Ramesh
Additional Govt. Pleader- for Respondents.

COMMON ORDER

The prayer made in these writ petitions is to forbear the respondents from interfering with the Spa business of the petitioners and also to direct the respondent -police to give proper instructions / circulars to act upon.

2. According to the petitioners, they are into trading Ayurvedic Products and conducting Ayurvedic Centre including Massage Therapy in accordance with law. While so, the Police officials are frequently visiting their business places under the guise of inspection and interfering with their business activities, thereby, causing hardship to the customers. Some of the petitioners allege that such an action is pursuant to the false complaint made by the owners of the premises to the effect that the petitioners are involving in illegal activities. Hence, the petitioners are before this Court.

3. The learned counsel for the petitioners 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, by directing the respondent - police to comply with the directions/conditions imposed in the judgment cited supra. Therefore, the learned counsel sought a similar order in these writ petitions as well.

4. A counter affidavit has been filed by the respondents, wherein, it is stated that this Court, while passing the order in Masti Health and Beauty Private limited case, has taken note of the counter affidavit filed by the second respondent therein, wherein, at paragraph No.4, it has been specifically stated as follows :

"4. With regard to the allegations made by the petitioner in paras 7 to 10 of the affidavit, this respondent submits that this respondent never prevented the business of the petitioner and their services by way of massages to their customers. As alleged by the petitioner in an earlier Writ Petition No.15644 of 2017 and W.M.P. No.16932 of 2017 this Hon'ble Court in its order dated 27.06.2013, at Para 4 held that

" Since the issue involved in the present writ petition is identical to the issue involved in W.P. No.9380 of 2016, it is relevant to extract para 67 of the order passed in 2015 (1) MLJ 308 (cited supra), which reads as follows:

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 ground 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."

Thus, according to the respondents, similar stand is taken in these writ petitions as well.

5. Heard both sides and perused the materials placed before this Court.

6. Admittedly, the issue involved in the present Writ Petitions is identical to the one in W.P.No.9380 of 2016, wherein, this Court, while disposing of the same, had directed the respondents to comply with the directions/conditions imposed in paragraph 67 of the order in Masti Health and Beauty Private limited (supra) and also directed 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."

7. It is to be noted here that in the above said order, the respondent police were specifically directed to file a report with regard to the decision taken about the framing of new legislation or a subordinate legislation in terms of the provisions of the Chennai City Municipal Corporation Act or the Chennai City Police Act. However, the said direction has not been complied with by the respondent police till date. When the same was questioned by this Court, the learned Special Government Pleader appearing for the respondents submitted that draft rules have already been made ready and the same would be notified shortly.

8. Hence, this Court, in the interests of justice, directs the respondent- authorities to comply with the following directions, within a period of three months, from the date of receipt of a copy of this order:

(i) The petitioners must appear, along with the required documents, such as, educational certificate, trade certificate, etc. before the respondent - police, having territorial jurisdiction. Such notice for their appearance be issued within a period of three weeks.

(ii) The petitioners shall not advertise anything, which attracts penal action under the Immoral Traffic (Prevention) Act.

(iii) Certificates of the persons involved / employed in the Spas are to be verified by the police / competent authorities.

(iv) Spot verification / inspection of the Spas is to be done by the police authorities, only when concrete material is available.

(v) If the Spas fail to produce licence when demanded or continue to run their activities without licence, action shall be taken for their closure immediately.

(vi) Draft Rules qua running of Spas, be notified/implemented by the authority concerned within a period of three months.

However, it is made clear that the petitioners, under the guise of carrying on their business activities, shall not indulge in any unlawful or illegal activities opposed to law or public order. It is also made clear that those, who have not filed writ petitions shall produce the above certificates within a time frame, upon due notice issued by the respondents.

9. All the writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Post the matters for reporting compliance, after three months.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

ms

To

1. THE SECRETARY
DEPARTMENT OF HOME
GOVERNMENT OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.
2. THE DIRECTOR GENERAL OF POLICE
GOVERNMENT OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.
3. THE SENIOR SUPERINTENDENT OF POLICE (LAW & ORDER)
GOVERNMENT OF UNION TERRITORY OF PUDUCHERRY
PUDUCHERRY.
4. THE INSPECTOR OF POLICE
MUDALIARPET POLICE STATION
MUDALIARPET, PUDUCHERRY.
5. THE SECRETARY TO THE GOVT.
OF TAMILNADU DEPARTMENT OF HOME FORT ST.
GEORGE CHENNAI-9
6. THE SUPERINTENDENT OF POLICE
KANCHEEPURAM DISTRICT KANCHEEPURAM
7. THE SPECIAL OFFICER
THIRUPORUR PANCHAYAT UNION THIRUPORUR 603
103
8. THE INSPECTOR OF POLICE
E-8 KELAMBAKKAM POLICE STATION
KELAMBAKKAM KANCHEEPURAM DISTRICT
9. THE COMMISSIONER OF POLICE
GREATER CHENNAI CITY VEPERY
CHENNAI-600 007.

10. THE DEPUTY COMMISSIONER OF
POLICE AMBATTUR DISTRICT CHENNAI.
11. THE INSPECTOR OF POLICE
ANTI VICE SQUAD CHINTADRI PET CHENNAI-600
002.
12. THE INSPECTOR OF POLICE
K-4 ANNA NAGAR POLICE STATION CHENNAI.
13. THE SUPERINTENDENT OF POLICE
TIRUPPUR TIRUPPUR DISTRICT.
14. THE INSPECTOR OF POLICE
NORTH STATION TIRUPPUR DISTRICT.
15. THE COMMISSIONER OF
POLICE COIMBATORE.
16. THE ASSISTANT COMMISSIONER
OF POLICE SELVAPURAM RANGE COIMBATORE.
17. THE INSPECTOR OF POLICE
D-2 SELVAPURAM LAW AND ORDER POLICE STATION
COIMBATORE.
18. THE COMMISSIONER OF POLICE
O/O COMMISSIONER SALEM CITY SALEM
19. THE INSPECTOR OF POLICE
HASTHAMPATTY POLICE STATION SALEM 7
20. THE INSPECTOR OF POLICE
E-3 TEYNAMPET POLICE STATION CHENNAI
21. THE INSPECTOR OF POLICE
K-11 CMBT POLICE STATION CHENNAI
22. THE COMMISSIONER OF POLICE
HOSUR ROAD COIMBATORE CENTRAL
COIMBATORE 641 018
23. THE INSPECTOR OF POLICE
B-12 UKKADAM POLICE STATION PALAKKAD MAIN
ROAD UKKADAM COIMBATORE 641 001
24. THE INSPECTOR OF POLICE
R-9 VALASARAVAKKAM POLICE STATION CHENNAI

25. THE COMMISSIONER OF POLICE
ATHIMARA THOTTAM THIRUPULUGUPATTI POST
TIRUPUR 641 601
26. THE INSPECTOR OF POLICE
ANUPPARPALAYAM POLICE STATION TIRUPPUR
27. THE SUPERINTENDENT OF POLICE
DISTRICT POLICE OFFICE SATHUVACHERI
VELLORE 632 009
28. THE INSPECTOR OF POLICE
VELLORE SOUTH POLICE STATION ARNI ROAD SH-
9 SAIDAPET VELLORE
29. THE INSPECTOR OF POLICE
KANNAKRUCHI POLICE STATION SALEM 8.
30. THE INSPECTOR OF POLICE
G-3 KILPAUK POLICE STATION KILPAUK
CHENNAI - 600010
31. THE INSPECTOR OF POLICE
E-5 PATTINAMPAKKAM POLICE STATION
PATTINAPKKAM CHENNAI - 600028
32. THE INSPECTOR OF POLICE
K-4 ANNA NAGAR POLICE STATION ANNA NAGAR
CHENNAI-600 040.
33. THE INSPECTOR OF POLICE
F-3 NUNGAMBAKKAM POLICE STATION
NUNGAMBAKKAM CHENNAI-600 034.
34. THE INSPECTOR OF POLICE
J-1 SAIDAPET POLICE STATION SAIDAPET
CHENNAI - 600035
35. THE INSPECTOR OF POLICE
R-9 VALASARAVAKKAM POLICE STATION R-9
VALASARAVAKKAM CHENNAI - 600087
36. THE COMMISSIONER
GREATER CHENNAI CORPORATION RIPON BUILDINGS
CHENNAI - 3
37. THE INSPECTOR OF POLICE
G-7 POLICE STATION CHETPET CHENNAI - 31
38. THE SUPERINTENDENT OF POLICE
NEHRU STREET PUDUCHERRY-1.

39. THE INSPECTOR OF POLICE
URULAIYANPETTAI POLICE STATION PUDUCHERRY-1

40. THE INSPECTOR OR POLICE
R-7 K.K. NAGAR POLICE STATION K.K.NAGAR
CHENNAI

41. THE ASSISTANT COMMISSIONER OF
POLICE AVS WING ANNA NAGAR CHENNAI

42. THE INSPECTOR OF POLICE
K4 POLICE STATION ANNA NAGAR CHENNAI

43. THE SUPERINTENDENT OF POLICE
OFFICE OF THE SUPERINTENDENT OF POLICE
UDHAGAMANDALAM THE NILGIRIS DISTRICT

44. THE INSPECTOR OF POLICE
G-1 POLICE STATION HOSPITAL ROAD UPPER
BAZZAR UDHAGAMANDALAM THE NILGIRIS DISTRICT

Copy to
The Section officer
Writ Section, High Court, Madras 104.
(To be listed for reporting compliance)

+7 Ccs to Mr.G. Arulmurugan, Advocate sr 75767.
+1 CC to Mr.R. Mohanan, Advocate sr 76582.
+1 CC to Mr.T. Saravanan, Advocate sr 76089.
+1 CC to Mr.Sai Bharath, Advocate sr 75763.
+1 CC to Mr.V.G. Sureshkumar, Advocate sr 75734.
+1 CC to Mr.S. Leonard Vasanth, Advocate sr 75993.
+1 CC to Mr.S. Venkatesh, Advocate sr 75632.
+1 CC to Mr.C.C. Sellappan, Advocate sr 75810.
+2 Ccs to Mr.K. Annamma, Advocate sr 75923, 75924.
+1 CC to The Govt. Pleader cum Public Prosecutor, Pondy sr 76284
+2 Ccs to Mr.P. Tamilavel, Advocate sr 75806 & 75807.
+6 Ccs to Mr.R. Murali, Advocate sr 76130, 76050, 76091, 76092,
76094 and 76093.
+1 CC to Govt. Pleader, sr Nos.76434, 76477, 76399, 76392,
76393, 76429, 76475, 76766, 76769, 76767, 76430, 76431, 76432,
76470, 76778, 76779, 76780, 76499, 76478 & 76400.

W.P.Nos.19641 and 31408 of 2017
and 2185, 4949, 5474, 5603 to 5608, 5656, 17526, 17527,
17529 to 17532, 19848, 22358, 26628, 28272,
28440, 28562 and 33977 of 2017

AK(CO)
SP(30/01/2019)