

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Order Reserved on :02.02.2018****Order Pronounced on :28.03.2018**

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**CORAM****THE HON'BLE MR.JUSTICE P.RAJAMANICKAM****W.P(MD) No.1678 of 2018**

V.Vijilal

... Petitioner

-Vs-

1.The Commissioner of Police,  
Madurai City,  
Madurai.

2.The Inspector of Police,  
S.S.Colony Police Station,  
Madurai.

... Respondents

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus forbearing the respondents , their men, agents from interfering with the peaceful conduct of the petitioner's business i.e "Aswin Kerala Ayurvedic Centre" at Door No.50, Janaki Narayanan Street, S.S.Colony, Madurai-625 010.

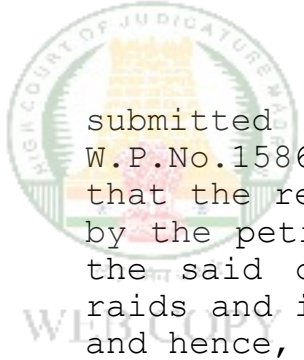
For Petitioner : Mr.P.Kalyana Ramachandran  
For Respondents : Mr.N.Shanmuga Selvam  
Addl. Govt. Pleader

**O R D E R**

This writ petition has been filed to forbear the respondents from interfering with the peaceful running of the petitioner's business i.e "Aswin Kerala Ayurvedic Centre" at Door No.50, Janaki Narayanan Street, S.S.Colony, Madurai-625 010.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner has submitted that the petitioner is carrying on business i.e cross massage in the name and style of "Aswin Kerala Ayurvedic Centre" at Door No.50, Janaki Narayanan Street, S.S.Colony, Madurai-625 010 for the past two years without any room for complaint. He further submitted that there is no law regulating all these business nor any licence is required for running the business. He further submitted that the respondent police or any other authorities and also there is no specific legal provision under the City Police Act, which obliges a SPA Centre to be licensed by the respondent. He further



submitted that this Court has already passed an order in W.P.No.15866 of 2013 etc., batch, dated 09.12.2014 to the effect that the respondent shall not interfere with the business carried on by the petitioner. He further submitted that even after passing of the said order, the respondents herein are frequently conducting raids and interfering with the business carried on by the petitioner and hence, he requests to pass on appropriate order.

4.The learned Additional Government Pleader appearing for the respondents denied the allegation that the respondents have frequently conducted raid and interfered with the petitioner's business.

5.This Court while disposing of batch of writ petitions in W.P.No.15877/2013 etc., by the order, dated 09.12.2014, has observed in paragraph Nos.66 and 67 as follows:

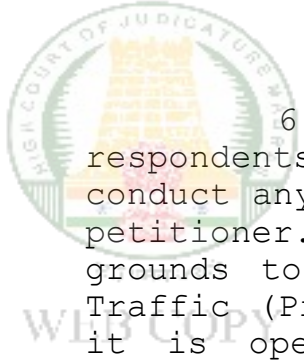
"66.Therefore, if the respondents wish to regulate the business profession of health centres, massage parloours and spas, they must take recourse either to the enactment of a legislation or to the issue of rules/by-laws in exercise of the power conferred by the respective enactments to make subordinate legislation.

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 interferes with the business 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."



6. Following the aforesaid decision, it is ordered that the respondents shall not as a matter of routine and without any basis, conduct any raids and interferes with the business carried on by the petitioner. In specific cases, where the police have reasonable grounds to believe that an offence punishable under the Immoral Traffic (Prevention) Act has been committed 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.

7. With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,  
Madurai City,  
Madurai.

2. The Inspector of Police,  
S.S. Colony Police Station,  
Madurai.

Order made in  
W.P (MD) No.1678 of 2018

vs

RAM/KKR/SAR 3/04.06.2018/3P/3C