



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD)No.6245 of 2018

and

W.M.P(MD)No.6078 of 2018

Mangaiyarkarasi

... Petitioner

Vs.

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

2. The Inspector of Police (Law and Order),
S.S.Colony Police Station,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondents from anyway interfering with the petitioner's business of running traditional herbal massage center in the name of Nirasika Mangai Health Spa and Treatment Center Panchakarma Center at Door No.127, 1st Floor, Ponmeni Pudur, By-Pass Road, Madurai District except in accordance with guidelines issued by this Hon'ble Court in M/s.Masti Health and Beauty Vs. The Commissioner of Police dated 09.12.2014 based on the petitioner's representation, dated 13.03.2018.

For Petitioner : Mr.T.Sugadev,

For Respondents : Mr.P.Kannidevan,
Additional Government Pleader

O R D E R

This writ petition has been filed seeking to forbear the respondents from anyway interfering with the petitioner's business of running traditional herbal massage center in the name of Nirasika Mangai Health Spa and Treatment Center Panchakarma Center at Door No.127, 1st Floor, Ponmeni Pudur, By-Pass Road, Madurai District except in accordance with guidelines issued by this Hon'ble Court in M/s.Masti Health and Beauty Vs. The Commissioner of Police dated 09.12.2014 based on the petitioner's representation, dated 13.03.2018.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for



3.The petitioner has also obtained necessary permission from the concerned authorities to run the Massage centre at Door No.127, 1st Floor, Ponmeni Pudur, By-Pass Road, Madurai District. So far, there is no complaint against the petitioner's massage centre and they are carrying on the business strictly as per the guidelines and within the parameters of law. The respondents 1 & 2 were trying to interfere with the running of the business of the petitioner and therefore, he made a representation 13.03.2018 to the first respondent to restrain from interfering with the conducting of business in the aforesaid premises. But, so far no action has been taken and hence, the petitioner has filed the present writ petition before this Court.

4.The learned counsel appearing for the petitioner submitted that this Court has already dealt with the similar issues in W.P. (MD)No.25841 of 2016, dated 25.07.2016 and W.P.No.39723 of 2016, dated 05.04.2017.

5.The learned Additional Government Pleader appearing for the respondents would submit that so far there is no interference at the hands of the respondent police.

6.This Court perused the similar order passed in W.P.No.39723 of 2016, dated 05.04.2017, which reads as follows:-

"3.This Court, in similar circumstances, following the ratio laid down by this court in the judgment reported in 2015(1) MLJ 308 (Masti Health and Beauty Private Limited & Others V. The Commissioner of Police, Chennai City), disposed of the writ petition in W.P.No.9380 of 2016, by order dated 14.03.2016, by directing the respondent-police to comply with the direction/conditions imposed in paragraph 67 of the order in the judgment reported in 2015 (1) MLJ 308 (cited supra) and further made it clear that the petitioner therein under the guise of carrying on business activity shall not indulge in any unlawful or illegal activities detrimental to law and order or public order.

4.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:-

67.In the light of the above, all the writ petitions are disposed of to the following effect:

<https://hcservices.ecourts.gov.in/hcservices/> 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) 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."

7. In the light of the said order, the writ petition is disposed of by directing the respondents-police to comply with the directions imposed in para 67 of the order, as extracted above. It is also made clear that the petitioner under the guise of carrying on business activity shall not indulge in any unlawful or illegal activities detrimental to law and order or public order. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police (Law and Order),
S.S.Colony Police Station,
Madurai District.

+1cc to Mr.M.Jegadeesh Pandian, Advocate Sr.No.75459

+1cc to Spl.Government Pleader Sr.No.75759

AM

VB/RP/SAR1/30.08.2018/3P/5C

W.P. (MD) No.6245 of 2018
27.07.2018