



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

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W.P. (MD) No. 6950 of 2018

S. Vinitha

... Petitioner

Vs.

Inspector of Police,
Courtalam Police Station,
Courtalam,
Tirunelveli District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, forbearing the respondent his men and agents from interfering with the peaceful conduct of the business activities of the petitioner in the name of "Ayur Arokiam" Ayurvedic Massage Centre, N:20, Old Courtala Road, Fun Land Resort, Melagaram, Tenkasi Taluk, Tirunelveli District.

For Petitioner	: Mr. R. J. Karthick
For Respondent	: Mr. M. Karuppasamy, Government Advocate

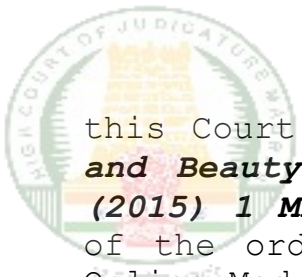
O R D E R

This writ petition has been filed forbearing the respondent, his men and agents from interfering with the peaceful conduct of the business activities of the petitioner in the name of "Ayur Arokiam" Ayurvedic Massage Centre, N:20, Old Courtala Road, Fun Land Resort, Melagaram, Tenkasi Taluk, Tirunelveli District.

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

3. According to the petitioner, he carrying on business for Ayurvedic Massage Centre in the name of "Ayur Arockiam". Address mentioned in the petition, the petitioner also obtained a licence from the Town Panchayat, Melagaram and also paying the Professional Tax to the Town Panchayat. The respondent police has interfered with the peaceful possession of the massage centre and therefore, he filed the present writ petition for the aforesaid prayer.

4. The learned counsel for the petitioner has drawn the attention of this Court by relying upon the order passed in **G. Kalpana vs. The Commissioner of Police, Egmore, Chennai-7** reported in 2015 SCC Online Mad 11181 and in the aforesaid writ petition,



this Court has considered the earlier order passed in **Masti Health and Beauty Private Limited v. Commissioner of Police** reported in (2015) 1 MLJ 308. It is useful to extract the relevant paragraphs of the order passed in W.P.No.11058 of 2015 reported in 2015 SCC Online Mad 11181.

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"2.The petitioner claims that she is carrying on business in the name and style of "V-3 BEAUTY CARE AND SPA" at Hotel Fortel, No.3, Gandhi Irwin Road, Egmore, Chennai-600 008, for the past six months without any room for complaint and by employing services of qualified and trained therapist, Ayurvedic massage is also given. The petitioner would further state that she has also issued with licence for carrying on business and the complaint that the illegal activities are going on in the business run by her, is not at all true and since her business is being interfered with by the second respondent police, she has submitted a representation dated 20.06.2013 to the first respondent, copy marked to the second respondent not to interfere with the business activities and in spite of receipt of the same, harassment continues and hence, she came forward to file this writ petition.

7.In the result, the writ petition is disposed of and the respondents are directed to consider the representation dated 20.06.2013 submitted by the petitioner, taking into consideration the guidelines in paragraphs No.67 of the judgment reported in (2015) 1 MLJ 308 (Masti Health and Beauty Private Limited v. Commissioner of Police), in which the first respondent himself is a party and pass orders on merits and in accordance with law, as expeditiously as possible, not later than two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed."

Therefore, this petition has been filed by the petitioner seeking the same relief.

5.The learned Government Advocate, who accepts notice for the respondents, would submit that the petitioner, under the guise of massage treatment, indulged in illegal activities and that is why, the respondent has conducted a surprise visit.

6. Considering the rival submissions made by both parties, perused the records and in the light of the aforesaid decision of this Court, this Court directs the respondent to consider the petitioner's representation, dated 19.06.2017 and pass orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order, by taking into consideration the aforesaid



order passed by this Court in W.P.No.11058 of 2015, dated 16.04.2015.

7. With the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

Inspector of Police,
Courtalam Police Station,
Courtalam,
Tirunelveli District.

+1cc to Mr.R.J.Karthick Advocate in SR. No.60861
+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.61334

AM

KK/SV MMS/SAR-1/17.05.2018/3P/4C

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