



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2018

CORAM:

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.P. (MD) No.11298 of 2018

and

WMP (MD) No.10299 of 2018

Arun

... Petitioner

vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Additional Superintendent of Police,
Tenkasi, Tirunelveli District.

3. The Inspector of Police,
Courtallam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents from in any way disturbing or interfering with the peaceful conduct of the petitioner's business offering various massage therapy by both sexes and for petitioner's client belonging to both sexes at the petitioner's Ayurvedic Spa Centre situated at the 2nd floor of Hotel Hayass Residency, Five Falls Road, Courtallam, Tirunelveli District pending disposal of the above.

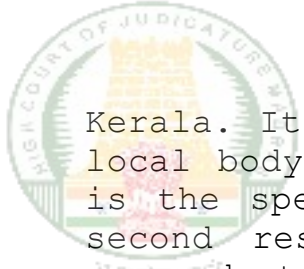
For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.S.Angappan,
Government Advocate

O R D E R

This writ petition is filed for issuing a Writ of Mandamus, directing the respondents from in any way disturbing or interfering with the peaceful conduct of the petitioner's business offering various massage therapy by both sexes and for petitioner's client belonging to both sexes at the petitioner's Ayurvedic Spa Centre situated at the 2nd floor of Hotel Hayass Residency, Five Falls Road, Courtallam, Tirunelveli District pending disposal of the above.

2.The learned counsel for the petitioner states that he has studied one year course of "Marma Thirummu and Panchakarma" at Sanjeevini Panchakarma Health Society, approved by Government of



Kerala. It is stated that the petitioner has got licence from the local body for doing Massage Centre at a place in Courtallam. It is the specific contention of the petitioner that the first and second respondents have given oral instructions to the third respondent to close down all the Massage Centres running in an around Courtallam without any licence. It is further stated that on the basis of such oral instruction issued by the first and second respondents, the third respondent started frequently visiting the Massage Centre run by the petitioner and threatening the petitioner to close down his Massage Centre, stating that the petitioner is not doing illegal business or activities, he has come forward with the present Writ Petition.

3.The learned counsel for the petitioner relied upon the judgment of the learned Single Judge of this Court in the case of **M/s.Masti Health and Beauty Private Limited & Others Vs. The Commissioner of Police, Chennai City, Chennai & Others** in W.P.No.15866 of 2013 and other batch of cases. The said Judgment is also followed in several other cases. The learned counsel for the petitioner relied upon the judgment of this Court in W.P.No.16516 of 2016 dated 18.10.2016 following the Judgment first cited above.

4.The learned Government Advocate for the respondents fairly submitted that the third respondent has not made any specific allegations against the petitioner for violation of any statutory provision. In such circumstances, this Court is of the view that similar order can be passed in this Writ Petition as it was passed by this Court in the case referred to above.

5.As a result, this Writ Petition is disposed of with the following directions to the respondents:-

“(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) 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 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. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected WMP(MD) No.10299 of 2018, is closed.

Sd/-

Vacation Officer

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Tirunelveli District.
2. The Additional Superintendent of Police,
Tenkasi, Tirunelveli District.
3. The Inspector of Police,
Courtallam Police Station,
Tirunelveli District.

+1cc to Mr.D.Venkatesh, Advocate Sr.No.66082

+1cc to Spl.Government Pleader Sr.No. 66207

DAS/RMI

VB/SKN/RSK/SAR4/25.05.2018/3P/6C

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and
WMP (MD) No.10299 of 2018
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