



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

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

W.P. (MD) No.14155 of 2018

and

W.M.P (MD) No.12837 of 2018

S.Vinitha

... Petitioner

Vs.

1. The Superintendent of Police,
O/o.The Superintendent of Police
(Law and Order),
Tirunelveli,
Tirunelveli District.

2. The Inspector of Police,
Courtallam Police Station,
Tenkasi Taluk,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondent No.2 from interfering with the business operations conducted by the petitioner namely Ayurvedic and Panchakarma therapy centre at Door No.38/6, First Floor, Courtallam, Tenkasi Taluk, Tirunelveli District.

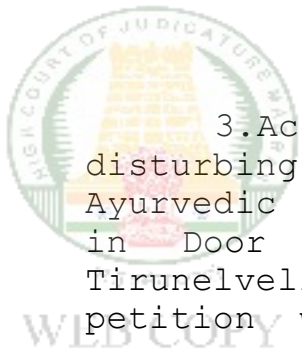
For Petitioner : Mr.T.Lajapathi Roy,

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

ORDER

This writ petition has been filed seeking to forbear the second respondent from interfering with the business operations conducted by the petitioner namely Ayurvedic and Panchakarma therapy centre at Door No.38/6, First Floor, Courtallam, Tenkasi Taluk, Tirunelveli District.

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



3. According to the petitioner, the second respondent is disturbing and threatening the petitioner to close down the Ayurvedic and Panchakarma Therapy Centre, which has been running in Door NO.38/6, First Floor, Courtallam, Tenkasi Taluk, Tirunelveli District and therefore, she filed the present writ petition with the aforesaid prayer.

4. The learned counsel appearing for the petitioner submitted that this Court has already dealt with the similar issues in W.P. (MD) Nos.15866 of 2013 etc., batch, dated 09.12.2014.

5. The second respondent has filed counter affidavit by stating that the second respondent has never disturbed and threatened the petitioner to close the petitioner's Therapy Center. The allegation of the petitioner is false and the same is denied.

6. This Court perused the similar order passed in W.P. (MD) Nos.15866 of 2013 etc., batch, dated 09.12.2014, which reads as follows:-

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) 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 directed 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 closed.

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Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Superintendent of Police,
(Law and Order),
Tirunelveli,
Tirunelveli District.

2. The Inspector of Police,
Courtallam Police Station,
Tenkasi Taluk,
Tirunelveli District.

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 73145

+ 1 cc TO The Special Government Pleader in SR No. 73035

am

AE/MK/SKN/SAR1/03.09.2018/3P/5C

W.P. (MD) No.14155 of 2018
13.07.2018