

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5220 of 2019

R.Girija

...Petitioner

Vs.

1. The Assistant Commissioner of Police
Triplicane
Chennai-600 005.

2. The Inspector of Police
D-1, Triplicane Police Station
Chennai-600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents or their men, agents not to interfering with the peaceful conduct of lawful business in "SNEHAN HOLISTIC HEALTH CENTRE" Ayurvedic Massage Center at No.5/13, Second Floor, Azizudeen Khan Street, Chepauk, Triplicane, Chennai-600 005.

For Petitioner : Mr.L.Rajendran

For Respondents: Mr.E.Balamurugan,

Special Government Pleader

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents or their men, agents not to interfering with the peaceful conduct of lawful business in "SNEHAN HOLISTIC HEALTH CENTRE" Ayurvedic Massage Center at No.5/13, Second Floor, Azizudeen Khan Street, Chepauk, Triplicane, Chennai-600 005.

3. According to the petitioner, she was running "SNEHAN HOLISTIC HEALTH CENTRE", Ayurvedic Massage Center at No.5/13, Second Floor, Azizudeen Khan Street, Chepauk, Triplicane, Chennai-600 005, after obtaining proper license from the Corporation of Chennai. While so, the respondent police are threatening and preventing the petitioner from running the said business. The petitioner further states that in similar

circumstances several writ petitions were entertained by this Court and orders were passed in favour of Spa and Massage Centres. Hence, the petitioner has come forward with the present Writ Petition.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. The learned Special Government Pleader, based on instructions, submitted that there is no previous case registered against the petitioner's 'Ayurvedic Massage Center'.

6. This Court, in similar circumstances, following the ratio laid down by this Court in the judgment report 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 respondents-police to comply with the directions/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.

7. 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 :

(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 31.3.2015, before this Court, about the decision taken. No costs. Consequently, all connected pending MPs are closed."

8. 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.

9. With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner of Police
Triplicane
Chennai-600 005.

2. The Inspector of Police
D-1, Triplicane Police Station
Chennai-600 005.

+1cc to Government Pleader srno.17669

+1cc to Mr.L.Rajendran, Advocate sr.no.16855

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nr 26/03/2019

W.P.No.5220 of 2019

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