

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKEVALU

W.P. No.25536 of 2019

and

W.M.P.No.25065 of 2019

A.S. Venkatesh

...
Petitioner

-vs-

1. The Commissioner of Police,
Vepery, Chennai.

2. The Inspector of Police,
Anna Nagar Police Station,
Chennai.

... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus or order or direction in the nature of Writ forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e., cross message in the name and style of "VEE CARE NATURES'S SPA, at A.C.38, 4th Street, Anna Nagar, Chennai -600 040.

For Petitioner : M/s.S.Leonard Vasanth

For Respondents: Mr.J.Purushothaman,
Government Advocate

सत्यमेव जयते
O R D E R

This Writ Petition has been filed for a direction to forbear the Respondents or their men, agents from interfering with the peaceful conduct of business, i.e., cross message in the name and style of "VEE CARE NATURES'S SPA, at A.C.38, IV Street, Anna Nagar, Chennai - 600 040.

2. In support of the aforesaid relief claimed, reliance was placed by the Learned Counsel for the Petitioner on the decision of this Court in M/s. Masti Health and Beauty Private Limited -vs- Commissioner of Police, Chennai (order dated 09.12.2014 in W.P. No. 24629 of 2014 etc., batch). In

that decision, this Court has held 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 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."

3. In response to that contention, Learned Government Advocate appearing for the Respondents submits that accepting the suggestions made by this Court in the aforesaid decision, amendments have been made to the Chennai City Municipal Corporation Act, 1919, as well as in the laws relating to other urban local bodies in the State of Tamil Nadu, which have come into force with effect from 01.02.2019 as per which licence is required for carrying on business of Beauty Parlour, Spa and Massage Parlour in any premises within the territorial limits of the respective local bodies. He further submits that the Petitioner has not made any application for requisite licence till date.

4. It is a well settled legal position that a mere contemplation or possibility that a right may be infringed without any legitimate basis for that right, would not suffice to give rise to a cause of action. In such circumstances, the question of granting the relief sought

by the Petitioner in the Writ Petition does not arise for consideration.

5. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

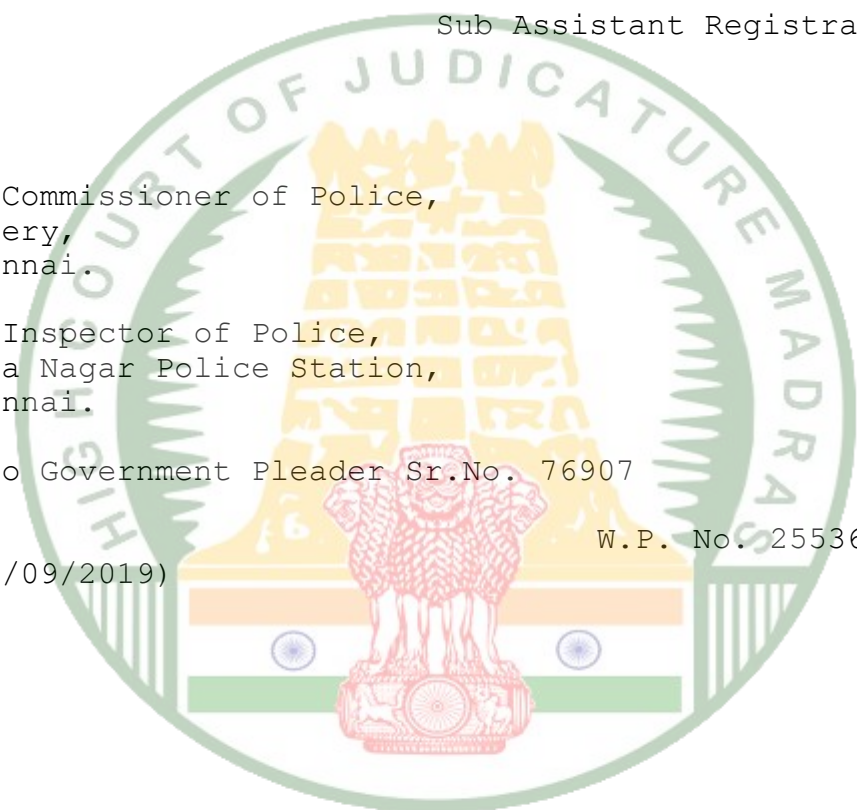
1. The Commissioner of Police,
Vepery,
Chennai.

2. The Inspector of Police,
Anna Nagar Police Station,
Chennai.

+1 cc to Government Pleader Sr.No. 76907

A.SK(17/09/2019)

W.P. No. 25536 of 2019

The seal of the High Court of Judicature Madras is a circular emblem. It features a central illustration of the Lion Capital of Ashoka, which is a red stone sculpture of four Asiatic lions standing back to back on a high, decorated abacus. The lions are facing the four cardinal directions. The abacus is topped with a frieze of four horses. The entire emblem is set against a background of a green and white striped field, with a blue wheel (Chakras) on either side of the central emblem. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a circular border around the central emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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