

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9879 of 2020

M/s.Heavens Professional Spa
Rep. by its Proprietor
Saravana Kumar Bhavani Shankar
No.18, 2nd Street, Sivananda Colony
Coimbatore - 641 012. Petitioner

vs

- 1.The Commissioner of Police
Coimbatore City
Coimbatore.
- 2.The Inspector of Police
B-15, Rathinapuri Police Station
Ganapathypudur, Coimbatore. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus forbearing the 2nd respondent or their men or agents from interfering with the peaceful conduct of the business of the petitioner under the name and style of "Heavens Professional Spa", No.18, 2nd Street, Sivananda Colony, Coimbatore - 641 012.

For Petitioner : Mr.Krishna Prasad.R
For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. The petitioner seeks for a mandamus forbearing the 2nd respondent or their men or agents from interfering with the peaceful conduct of the business of the petitioner under the name and style of "Heavens Professional Spa", No.18, 2nd Street, Sivananda Colony, Coimbatore - 641 012.

3. According to the petitioner, though the petitioner is running the SPA, after obtaining necessary licence from the

Licensing Authority, the second respondent police is unnecessarily interfering with the petitioner's business without having any valid reason.

4. After notice, the matter is taken up for further hearing today.

5. Mr.R.Govindasamy, learned Special Government Pleader, based on instructions, submitted that when the inspection was made in the month of January 2020, the petitioner was not having licence and however, it is an admitted fact that subsequently, they have obtained licence from the Coimbatore City Municipal Corporation in the month of February 2020. Therefore, he submitted that the second respondent is not interfering with the petitioner's SPA as alleged. However, he submitted that if any specific information is received by the police about the activities carried on in the SPA in violation of law, it is open to the police to act in accordance with law.

6. Considering the above stated facts and circumstances, this Writ Petition is disposed of, as follows:

(i) the Petitioner is entitled to carry on lawful business of spa activities within the premises and normally there would not be any interference from the police authorities so long as the activities are not in violation of the provisions of any law including the Immoral Traffic (Prevention) Act, 1956;

(ii) if the Police Authorities have specific information or reasonable doubt that the activities carried on in the spa of the Petitioner are in violation of law or relate to unlawful activities including those prohibited by the provisions of the Immoral Traffic (Prevention) Act, 1956, it would be open to them, after recording reasons in the General Diary maintained in the Police Station, to proceed to enter the premises of the Petitioner, conduct investigation, interrogate those who are involved in such activities and take appropriate action in accordance with law;

(iii) the Police Authorities shall not otherwise unnecessarily disturb the activities of spa of the Petitioner under the guise of inspection;

(iv) while exercising the powers conferred on the police authorities, they shall strictly follow the procedure prescribed by law;

(v) it is always open to the Petitioner to challenge the action taken by the Police, if it is not in accordance with law;

(vi) the Petitioner shall comply with the requirements of the police authorities to install CCTV cameras at the locations earmarked and shall furnish the footages to the police authorities, whenever required; and

(vii) it shall be incumbent upon the Petitioner to ensure that all licences required under various enactments applicable to the conduct of business of spa of the Petitioner, are in force in order to avail the benefit of this order and in the event of the same getting expired by lapse of time, suspended or cancelled by the concerned authorities, the Petitioner shall not be entitled to rely on this order to avoid the consequences arising therefrom.

No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk/vri

To

- 1.The Commissioner of Police
Coimbatore City
Coimbatore.
- 2.The Inspector of Police
B-15, Rathinapuri Police Station
Ganapathypudur, Coimbatore.
- 3.The Government Pleader,
High Court, Madras.

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AJS (CO)
RMP (08/10/2020)