



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.14747 of 2020

WEB COPY

Honey Ayurvedic Spa,
No.74, 3rd Cross Street,
Raja Colony, Ward No.46,
Tiruchirappalli-620001
Represented by its Proprietor
K.Sudha

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissionerate,
Subramaniapuram, Pudukkottai Road,
Tiruchirappalli-620 023.

2.The Inspector of Police,
Anti-Vice Squad,
Cantonment Police Station Campus,
Tiruchirappalli-620001.

3.The Inspector of Police,
C-1 Cantonment Police Station,
Tiruchirappalli-620001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 and 3, their men and agents from in any way interfering with the petitioner's business of treatment done by the qualified therapist for opposite sex in the Honey ayurvedic spa center, represented by petitioner as a proprietor and in his name of Mrs.K.Sudha functioning at No.74, 3rd Cross Street, Raja Colony, Ward No.46, Tiruchirappalli-620001.

For Petitioner	: Mr.R.Mohanan
For Respondents	: Mr.R.Srinivasan
	Government Advocate



ORDER

Heard the learned counsel on either side.

2. The petitioner alleges harassment at the hands of the respondents. The petitioner states that she is running an Ayurvedic Spa in the petition mentioned address. The petitioner had obtained MSME license. The petitioner has employed qualified therapists. The petitioner's counsel draws my attention to the various orders passed by the by the Principal Seat of this Court in this regard.

3. The learned Government Advocate states that no complaint has been received against the petitioner and no FIR has been registered against the petitioner.

4. 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.

5. 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."

6. 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. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Police,
Office of the Commissionerate,
Subramaniapuram, Pudukkottai Road,
Tiruchirappalli-620 023.
- 2.The Inspector of Police,
Anti-Vice Squad,
Cantonment Police Station Campus,
Tiruchirappalli-620001.



3.The Inspector of Police,
C-1 Cantonment Police Station,
Tiruchirappalli-620001.

+2 CC to M/s.R.MANOCHARAN, Advocate (SR-20764[F] dated 02/11/2020)

W.P. (MD) No.14747 of 2020
28.10.2020

KG (CO)
TR(06.11.2020) 4P 6C