



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.19542 of 2021
and
W.M.P.No.20824 of 2021

Praveen,
Proprietor,
Grand Spa Wellness,
No.94, Ramakrishna Nagar,
Asthampatti,
Salem - 606 002.

... Petitioner

Versus

1. The Commissioner of Police,
Salem City,
Salem - 636 002.
2. The Assistant Commissioner of Police,
Salem North Range,
Hasthampatti,
Salem - 636 007.
3. The Inspector of Police
Hasthampatti Police Station,
Salem - 636 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, forbearing the respondents from interfering the business in the name and style of Grand SPA Wellness run by the petitioner and consequently to direct the respondents to permit the petitioner to run the business in peaceful manner based on the representation dated 01.09.2021.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor



ORDER

(This case has been heard through video conference)

This Writ Petition has been filed seeking the petitioner to continue with his business in the name and style Grand Spa Wellness and forbearing the respondents from interfering with the business.

2. The petitioner has sent a representation by post on 01.09.2021, stating that the petitioner has got a license No.5/2021/15, dated 30.03.2021 and the license is valid for the period from 04.04.2021 to 31.03.2022. This being so, some persons claiming to be Police Department have entered into the Spa centre and causing disturbance to the business. The petitioner has not carried out with any illegal activities. The petitioner has made a representation to the Commissioner of Police, Assistant Commissioner, Salem and no action has been taken. Further placed reliance on the decision of this Court in W.P. No.29995 to 31320 of 2018, wherein this Court has held that in a colourable exercise of power, the police are entering the Spa and Massage centre and they are at the mercy of the police officers.

4. The learned Additional Public Prosecutor appearing for respondents would submit that the petitioner has not made any complaint earlier. Further, this representation has been sent through post, which has to be verified and forwarded to the jurisdictional police. The Commissioner of Police, Salem has the duty to curtail any illegal activities in Spa and Massage centres, surprise visits and checks are made. It is only for the purpose of curbing the illegal activities, which cannot be termed as interfering into the business of the Spa and Massage centres. He would further submit that the Spa and Massage centres are advised to place CCTV camera, maintain register of the employees and the visitors register. The petitioner to produce the said particulars for verification.

5. Heard submissions of both learned counsel appearing for petitioner and respondents and perused the records.

6. In view of the same, this Court directs the petitioner to appear before the 2nd respondent along with the representation dated 01.09.2018 and to substantiate the interference with other materials. Thereafter, the 2nd respondent police is directed to consider the petitioner's representation.



7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpp/rap
To

1. The Commissioner of Police,
Salem City,
Salem - 636 002.

2. The Assistant Commissioner of Police,
Salem North Range,
Hasthampatti,
Salem - 636 007.

3. The Inspector of Police
Hasthampatti Police Station,
Salem - 636 007.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Rajendiran, Advocate Sr.NO. 48706
W.P.No.19542 of 2021

KK(CO)
A.SK(26.10.2021)