



W.P.No.14315 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No.14315 of 2015
and M.P.No.1 of 2015

G.Saluja
Hotel Chennai Le Palace
No.5/9, Arcot Road
Karambakkam,
Chennai - 600 116.

... Petitioner

Vs.

1. The Commissioner of Police,
The Greater Chennai Police,
Vepery, Chennai.
2. The Inspector of Police,
K-9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of “Hotel Chennai Le Palace”, No.5/9, Arcot Road, Karambakkam, Chennai - 600 116.



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For Petitioner : Mr.K.Dharmaraj
No Appearance

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus forbearing the respondents or their men, agents from interfering with the peaceful conduct of business in the name of “Hotel Chennai Le Palace”, No.5/9, Arcot Road, Karambakkam, Chennai - 600 116.

2. The facts that are necessary for disposal of this Writ Petition are as follows :

3. The petitioner is carrying on business in the name and style of “Hotel Chennai Le Palace” at No.5/9, Arcot Road, Karambakkam, Chennai - 600 116. The petitioner states that she is also providing service of massage in Ayurveda which is a Kerala Traditional Treatment which cures many illness in the body including the nervous disorder in a slow phase process to their customers who comes to the Hotel for treatment.



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4. It is the specific case of the petitioner that there is no law regulating the business of “SPA” and such therapy is being provided in her hotel by the trained individuals in a professional style. It is also the case of the petitioner that there are qualified and trained therapist who are engaged in the petitioner's “SPA” Centre.

5. The grievance of the petitioner is that the respondents have no authority under the Police Act to interfere with the petitioner's business as it is done in a hotel and they should be restrained from interfering with the petitioner's business or entering into the petitioner's premises without any authority of law.

6. The petitioner admits that she has not obtained any licence to run the “SPA” or any beauty parlour as the business is not regulated. The petitioner is offering various therapies and those services may not be illegal. Even if there is no law regulating such business, no illegalities can be permitted. Because of increase in population and influence by western culture, several massage parlours are functioning throughout the state. It is high time to



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regulate the business. If anything illegal is permitted inside the premises of the petitioner, the respondents cannot be prevented by any prohibitory orders.

Therefore, the Writ Petition cannot be entertained for an omnibus order, forbearing the respondents from interfering with the peaceful conduct of business as it was prayed in the Writ Petition.

7. While the petitioner is entitled to carry on his business in accordance with law without violating any of the terms and conditions or any other statutory requirement, the respondents shall not interfere in the day to day business of the petitioner. At the same time, if it is necessary for the respondents to inspect the premises as law enforcing agency under any statute, they can do such exercise in accordance with law after following the procedure.

8. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes / No

Index : Yes / No

Speaking order / Non-speaking order

To

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S.S.SUNDAR.J.

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