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Writ Petition No.29367 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18/10/2022

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.29367 of 2015

a n d

M.P.No.1 of 2015

Biju.K.S

...

Petitioner

Vs

1. The Superintendent of Police
Tiruppur Town
Tiruppur District.

2. The Inspector of Police
Nallur Police Station
Thiruppur District.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondents from interfering with the peaceful conduct of business in the name of “AYUR CARE” Kerala Treatment Centre at Door No.63 Attmarathottam, Kuppanda Palayam, Perunthozhuvu Main Road, Nallur Village, Vijayapuram Post, Thirupur District.

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For Petitioner	...	No appearance
For respondents	...	Mr.P.Sathish Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents from interfering with the peaceful conduct of business in the name of “AYUR CARE” Kerala Treatment Centre at Door No.63 Attmarathottam, Kuppanda Palayam, Perunthozhuvu Main Road, Nallur Village, Vijayapuram Post, Thirupur District.

2. The petitioner claims that he is carrying on business in the name and style of "AYUR CARE" Kerala Treatment Centre, at Door No.63, Attimarathottam, Kuppanda Palayam, Perunthozhuvu Main Road, Nallur Village, Vijayapuram Post, Thiruppur District and in his massage parlour, he is following the Kerala Traditional Treatment, viz., Ayurveda massage, which cures many illness in the body, including the nervous disorder. The petitioner would further claim that there is no law regulating this kind of business and no licence is required from the respondent police in terms of the Chennai City Police Act. The petitioner would state that there are qualified and trained



therapist available and without any rhyme or reason, the second respondent police has interfered with his business activities under the guise of conducting raid. In this regard, the petitioner sent a representation dated 9/9/2015, and in spite of receipt of the same, interference continues and hence the petitioner has come forward with this writ petition.

3. When the matter was taken up for hearing, there is no representation on behalf of the petitioner. Heard Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 and 2.

4. On a careful perusal of the materials available on record, the learned counsel appearing for the petitioner in the typed of papers, enclosed the order of this Court, dated 28/4/2015, made in W.P.No.12817 of 2015. In the said order, the learned counsel appearing for the petitioner drew the attention of this Court to the order, dated 24.03.2015, made in W.P.No.8204 of 2015, wherein, this Court has taken into consideration the common order, dated 09.12.2014, made in W.P.Nos.24629 of 2014 etc., batch (Masti Health and Beauty Private Limited Vs. Commissioner of Police, Chennai reported in 2015 1 MLJ 308) and prayed for similar orders.



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5. It is relevant to extract paragraph 67 of the order made in Masti Health and Beauty Private limited case (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 4

(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



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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 abovesaid order, instant writ petition is disposed of and the respondents are directed to comply with the directions / conditions imposed in paragraph 67 of the said 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. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order
mvs.

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To

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