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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.6729 of 2022

and

W.M.P.No.6815 of 2022

M/s.Thamarai Spa,
Represented by its Proprietrix Parameshwari,
D/o.Kuppan,
64A & 64B, Sarojini Road,
Siddhaputhur, BKR Nagar,
Coimbatore - 641 044.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Police,
O/o. Commissioner of Police,
62, Old Post Office Road,
Near Railway Station,
Opp Collector Office,
Gopalapuram, Coimbatore - 641 018.

3. The Inspector of Police,
C2, Race Course Police Station,
Race Course Road,
Near KG Hospital,
Gopalapuram, Coimbatore - 641 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 & 3 or their men, agents from interfering with the peaceful conduct of business in the name and style of "Thamarai Spa" at 64A & 64B, Sarojini Road, Siddhaputhur, BKR Nagar, Coimbatore - 641 044.

For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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(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. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.



2. The Commissioner of Police,
O/o. Commissioner of Police,
62, Old Post Office Road,
Near Railway Station,
Opp Collector Office,
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3. The Inspector of Police,
C2, Race Course Police Station,
Race Course Road,
Near KG Hospital,
Gopalapuram, Coimbatore - 641 018.

4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.G.V.Sridharan, Advocate, S.R.No.19587

W.P.No.6729 of 2022
and
W.M.P.No.6815 of 2022

GPL(CO)
SU(04/04/2022)