



W.P.No.33133 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.33133 of 2022
and
W.M.P.No.32531 of 2022

M/s.Divine Spa
Represented by its Proprietor R.Doss
S/o.Ramasamy
Carrying on business at
Appu Tower, No.17/10, 12,
Second Floor Kailash Saw Mill Road,
Palladam Road, Pudhu Thottam,
Tirupur – 641 604.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
Represented by its Secretary to Government
Home Department,
Fort St.George,
Chennai – 600 009.
- 2.The Superintendent of Police,
38JR+RC3, Palladam Main Road,
Karuppa Gavndanpalayam,
Tirupur – 641 604.
- 3.The Deputy Superintendent of Police,
483M+47W, Rayapuram Extension,
Rayapuram Tirupur,



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4.The Inspector of Police,
39X3+289, 13, State Highway 172,
Chellappanpuram,
Dharapuram Main Road,
Aranmanai Puthur,
Tirupur – 641 604.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to

a)issue a Writ of Mandamus, forbearing the respondents 2 to 4 or their men, agents or any persons claiming under them from interfering with the peaceful conduct of petitioner's business in the name and style of “Divine Spa” at Appu Tower, No.17/10, 12, Second Floor, Kailash Saw Mill Road, Palladam Road, Pudhu Thottam, Tirupur – 641 604;

b)grant of order of interim injunction, restraining the respondents 2 to 4 or their men or agents or any persons claiming under them from interfering with the carrying on the business of the petitioner in the name and style of “Divine Spa” at Appu Tower, No.17/10, 12, Second Floor, Kailash Saw Mill Road, Palladam Road, Pudhu Thottam, Tirupur – 641 604 pending disposal of the above writ petition;

c)to pass such further or other orders as it may deem fit.

For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This writ petition has been filed to,

a)issue a Writ of Mandamus, forbearing the respondents 2 to 4 or their men, agents or any persons claiming under them from interfering with the peaceful conduct of petitioner's business in the name and style of “Divine Spa” at Appu Tower, No.17/10, 12, Second Floor, Kailash Saw Mill Road, Palladam Road, Pudhu Thottam, Tirupur – 641 604;

b)grant of order of interim injunction, restraining the respondents 2 to 4 or their men or agents or any persons claiming under them from interfering with the carrying on the business of the petitioner in the name and style of “Divine Spa” at Appu Tower, No.17/10, 12, Second Floor, Kailash Saw Mill Road, Palladam Road, Pudhu Thottam, Tirupur – 641 604 pending disposal of the above writ petition;

2. According to the petitioner, he is carrying on business i.e., Divine Spa, doing hair cut and cross massage in Ayurveda in the name and style of



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“Divine Spa” at Appu Tower, No.17/10, 12, Second Floor, Kailash Saw Mill Road, Palladam Road, Pudhu Thottam, Tirupur – 641 604, without giving room to any sorts of complaint or whatsoever. The fourth respondent has frequently came and interfering with the business activities of the petitioner's Salon and Spa and thereby, causing hardship to the customers for their service. In order to prevent hardship, the petitioner has come forward with the present writ petition.

3. The learned Government Advocate (Criminal side) appearing for the respondents would submit that the respondents are not interfering with the business activities of the petitioner.

4. This Court, in similar circumstances, following the ratio laid down by this court in the judgment reported 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



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To

1. The Government of Tamil Nadu
Represented by its Secretary to Government
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2. The Superintendent of Police,
38JR+RC3, Palladam Main Road,
Karuppa Gavndanpalayam,
Tirupur – 641 604.
3. The Deputy Superintendent of Police,
483M+47W, Rayapuram Extension,
Rayapuram Tirupur,
Tamil Nadu – 641 087
4. The Inspector of Police,
39X3+289, 13, State Highway 172,
Chellappanpuram,
Dharapuram Main Road,
Aranmanai Puthur,
Tirupur – 641 604
5. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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