



W.P.No.18367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.18367 of 2023

and

W.M.P.No.17566 of 2023

M/s.Greens Spa

Rep. By its partner K.Suman

S/o.Karuppusamy

312/4, Saravanampatti,

Sathy Road, (West)

Coimbatore – 641 035.

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. By its Secretary to Government,

Home Department,

Fort St.George,

Chennai – 600 009.

2.The Commissioner of Police,

(Law & Order)

Commissioner of Police Office,

Coimbatore City,

Uppilipalayam,

Coimbatore – 641 018.

3.The Inspector of Police,

(Law & Order)

E – 3, Police Station,

Saravanampatti – Kalapatti Road,



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Thiruvannamail Nagar,
Ramanandha Nagar, Saravanampatti,
Coimbatore – 641 035.

... 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 and 3 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 “Greens Spa” situated at 312/4, Saravanampatti, Sathy Road, (West) Coimbatore – 641 035;

b)grant of order of interim injunction, restraining the respondents 2 and 3 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 “ Greens Spa” situated at 312/4, Saravanampatti, Sathy Road, (West) Coimbatore – 641 035 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.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to,

a)issue a Writ of Mandamus, forbearing the respondents 2 and 3 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



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“Greens Spa” situated at 312/4, Saravanampatti, Sathy Road, (West) Coimbatore – 641 035;

b)grant of order of interim injunction, restraining the respondents 2 and 3 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 “ Greens Spa” situated at 312/4, Saravanampatti, Sathy Road, (West) Coimbatore – 641 035 pending disposal of the above writ petition;

2. According to the petitioner, he is carrying on business i.e., “Greens Spa”, doing hair cut and cross massage in Ayurveda in the name and style of “Greens Spa” situated at 312/4, Saravanampatti, Sathy Road, (West) Coimbatore – 641 035, without giving room to any sorts of complaint or whatsoever. The third 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.



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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 :



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(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 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."



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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. At any violation, Police is at liberty to act as per law. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

22.06.2023

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Index :Yes/No

Internet:Yes/No



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To

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Rep. By its Secretary to Government,
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Chennai – 600 009.
2. The Commissioner of Police,
(Law & Order)
Commissioner of Police Office,
Coimbatore City,
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3. The Inspector of Police,
(Law & Order)
E – 3, Police Station,
Saravanampatti – Kalapatti Road,
Thiruvannamail Nagar,
Ramanandha Nagar, Saravanampatti,
Coimbatore – 641 035.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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