



WEB COPY



W.P.No.31107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2023

CORAM :

THE HONOURABLE **MRS.JUSTICE R.KALAIMATHI**

W.P.No.31107 of 2023

M/s.Udhaya Spa Kerala Ayurvedic Massage Centre,
Rep. By its Proprietor J.Udhayakumar,
S/o. Jayapal
carrying business at Door No.1-K, 1st Floor,
Jagadevi Main Road, Bargur Taluk,
Krishnagiri District.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Krishnagiri District.
2. The Sub-Inspector of Police,
Bargur, Krishnagiri District.
- 3.The Inspector of Police,
Bargur Police Station,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of constitution of India praying to issue a writ of mandamus forbearing respondent nos. 1 and 2 or their men, agents from interfering with the peaceful conduct of business i.e., cross massage in the name and style of M/s.Udhaya Spa Kerala Ayurvedic Massage Center, at Door No.1-K, 1st Floor, Jagadevi Main Road, Bargur Taluk, Krishnagiri District, on the consideration of the petitioner's representation dated 20.10.2023.



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3. It is the further case of the petitioner that there are qualified and trained therapist available and without any rhyme or reason, the respondents have interfered with his business activities under the guise of conducting raid. In this regard, the petitioner sent a representation dated 20.10.2023 and in spite of receipt of the same, interference continues and hence, the petitioner has come forward with this writ petition.

4. The learned counsel appearing for the petitioner, on instructions, would submit that no illegal or unlawful activities take place while conducting business activities and therefore, the respondents cannot interfere with the business activities. Learned counsel also draw the attention of this Court to the order dated 28.04.2015 made in W.P.No.12817 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 prays for similar orders.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side), who took notice for the respondents.

6. It is relevant to extract paragraph 67 of the order 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

(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 43 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



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*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."*

7. In the light of the said order, the writ petition is disposed of by directing the respondents 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.

26.10.2023

Index : Yes/No
Internet : Yes /No
vv

To

- 1.The Superintendent of Police,
Krishnagiri District.
2. The Sub-Inspector of Police, Bargur, Krishnagiri District.
- 3.The Inspector of Police, Bargur Police Station, Krishnagiri District.
- 4.The Public Prosecutor, High Court, Madras.

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R.KALAIMATHI.,J

VV

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