



WEB COPY

W.P.No.36351 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

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THE HON'BLE MR. JUSTICE P.DHANABAL

W.P.No.36351 of 2023

and

W.M.P.No.36335 of 2023

M/s.Dharani Ayurvedic Spa Center,
Represented by its Proprietor
Mrs.B.Bhagya, W/o.Balasubramaniam,
carrying business at No.118, NH Kariyamangalam,
Block Development Office Backside,
Kariyamangalam,
Dharmapuri District – 635 111.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Dharmapuri District.
- 2.The Deputy Superintendent of Police,
Palacode, Dharmapuri District.
- 3.The Inspector of Police,
Kariyamangalam Police Station,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to consider the petitioner's representation dated on 21.12.2023 and forbearing the Respondents 1 to 3 or their men,



agents from interfering with the peaceful conduct of business i.e., cross massage in the name and style of “M/s.Dharani Ayurvedic Spa Center” at No.118, NH Kariyamangalam, Block Development Office backside, Kariyamangalam, Dharmapuri District – 635 111.

For Petitioner : Mr.D.Jagadeesan

For Respondents : Mr.L.Baskaran
Government Advocate (Criminal Side)

ORDER

The petitioner has filed this Writ Petition for a mandamus, to consider the petitioner's representation dated 21.12.2023 and forbearing the respondents 1 to 3 or their men, agents from interfering with the peaceful conduct of business i.e., cross massage in the name and style of “M/s.Dharani Ayurvedic Spa Center” at No.118, NH Kariyamangalam, Block Development Office backside, Kariyamangalam, Dharmapuri District – 635 111.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner represented that the issue involved herein is covered by an order of this Court dated 04.08.2023 passed in W.P.No.23004 of 2023, wherein, this Court has held in paragraph No.6 as follows :



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*“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 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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3. In the light of the above said order, this Writ Petition is disposed of, by directing the 3rd respondent to comply with the directions/conditions imposed in paragraph No.6 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.

29.12.2023

mkn2/nsd

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes /No

To

- 1.The Superintendent of Police,
Dharmapuri District.
- 2.The Deputy Superintendent of Police,
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P.DHANABAL, J.

mkn2/nsd

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29.12.2023