



W.P(MD)No.1547 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P(MD)No.1547 of 2023

Ponraj

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from anyway interfering with peaceful conduct of petitioner's business at “Nellai Thimmara Ayur Care”, No.5A, Lascar Kana Street, Sangamithira Building, First Floor, Palayamkottai, Tirunelveli District based on the petitioner's representation dated 14.01.2023.

For Petitioner : Mr.S.P.Vijay Ananth

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)



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ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from anyway interfering with the peaceful conduct of the petitioner's business at “Nellai Thimmara Ayur Care”, No.5A, Lascar Kana Street, Sangamithira Building, First Floor, Palayamkottai, Tirunelveli District based on the petitioner's representation dated 14.01.2023.

2. Mr.M.Muthumanikkam, learned Government Advocate (Criminal Side) takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the writ petitioner would submit that the writ petitioner is running a therapy centre in the name and style of 'Nellai Thammira Ayur Care' and the Ministry of Micro, Small and Medium Enterprises issued a license under Micro Enterprises No.UDYAM-18-TN-0018919 to run the writ petitioner's therapy centre. He would further submit that the writ petitioner has been running the centre in accordance with law without any room for any complaint from



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any queries. He would also submit that there is no law regulating all these business nor any license is required from the respondent police or any other authorities and also there is no specific legal provision under any act which obliges a Spa centre to be licensed by the respondents.

4. The learned counsel appearing for the writ petitioner would submit that the respondents under the guise of conducting raids and interfering that the running of the business and thereby affect the reputation of the writ petitioner. He would further submit that in the similar circumstances, the police interfered with the business of Spa running by various other Spa owners, the city at Madras and they had approached the Principal Bench of this Hon'ble Court and this Court had in the decision reported in **2015 (1) CTC 702**, had passed directions to the respondents in respect of regulating the business of Massage Parlours and Spa and he would refer to Para Nos.64 & 65 of the Judgment of this Court. He would also submit that the writ petitioner has never been brought to any adverse notice and no complaint has been given by anybody against the writ petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that they only received complaints



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from several persons that under the guise of running Spas, certain persons are indulging in illegal trade. He would further submit that since such type offences were committed in the City of Madurai, under the guise of running Spa. The Deputy Commissioner of Police (Law and Order) had issued a Memorandum vide in C.No.86/Important/DC/L&O/MC/2018 dated 24.10.2018 and gave instructions to check all the Beauty Parlours and Massage Centres and review the license which were obtained from Corporation under Section 360 of Corporation Act and also verify that the workers in Beauty Parlour and Massage Centres and also verify that the certificates issued to the workers in the massage Centres and that they have not illegally interfered with the trade of the writ petitioner. However, he would fairly submit that the writ petitioner has not been brought to any adverse notice so far.

6. In view of the same and the earlier directions passed by this Court in **2015 (1) CTC 702**, this Court is inclined to pass the following order;

(1) The respondents shall not, as a matter of routing and without any basis, conduct any raids and interfere with the business carried on by the writ petitioner and



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(2) 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.

7. However, it is made clear that under the guise of obtaining this order, the writ petitioner cannot be allowed to involve in any illegal activities and in the event of the respondents receiving any information that any illegal activities is being done by the writ petitioner, the respondents are at liberty to take appropriate action in accordance with law.

8. With the above observations, the Writ Petition stands disposed of.

27.01.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm



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A.D.JAGADISH CHANDIRA, J

csn

To

- 1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.
- 2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P(MD)No.1547 of 2023

Dated : 27.01.2023