



W.P.(MD)No.21749 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.09.2023

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THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.21749 of 2023

Rajeshwari

... Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Inspector of Police,
Karaikudi (North) Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 and 2 from anyway interfering with peaceful conduct of petitioners business at DREAMS AYYURVEDIC MASSAGE PARLOUR SPA, Hotal Aadithya Complex in the approved lay out No.675/6, 9 Block, Paari Nagar, Sriram Nagar, Karaikudi, Sivagangai District based on the petitioners representation, dated on 19.08.2023.

For Petitioner : Mr.S.P.Vijay Ananth

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1 & R2



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ORDER

This petition is seeking for a mandamus to the respondents police forbearing them interfering with the petitioner's business in the name and style of "Dreams Ayyurvedic Massage Parlour Spa" (in short "Spa"), Hotel Aadithya Complex, Layout No.675/6, (Block, Paari Nagar, Sriram Nagar, Karaikudi, Sivagangai District.

2. It is submitted by the learned counsel for the petitioner that the petitioner has established the Spa and introduced various therapy services with the trained therapies. She has taken licence from the Ministry of Micro, Small and Medium Enterprises to run therapy centre which has been practising all standards of protocol including fixing of CCTV cameras.

3. There is no allegation from any corner in respect of running of the Spa, however the respondents police have been interfering with the therapy centre without following due process thereby sought for issuance of suitable directions.



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4. Learned Government Advocate (Crl. Side) on the other hand submits that the respondents police have not harassed the petitioner as alleged.

5. The petitioner has cited orders of this Court in W.P.Nos.24629 of 2014 etc. batch dated 09.12.2014 between ***Masti Health and Beauty Private Limited v. Commissioner of Police, Chennai***, reported in ***2015 1 MLJ 308***, wherein, this Court held as under:-

"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."

6. In the case on hand, it is alleged by the petitioner even though the petitioner has not indulged in any illegal activities, the respondents police have been raiding the Spa thereby downgrading the image of the Spa in the society. The respondents police on the other hand submitted that the police will not interfere with the SPA as long as the petitioner run the same without any illegal activities and in case if they get any tip-off in respect of illegal activities, they will follow the procedure and take action.

7. Considering the submissions made by both sides and on going through the records available, this Court is inclined to issue directions to the respondents police to scrupulously follow the directions given by this



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Court as mentioned in *Masti Health and Beauty Private Limited (supra)*,
in case if police gets any information in regard to petitioner SPA.

8. Further, it is made clear that merely because directions were given to the respondents police not to raid still it does not mean that the petitioner can indulged in any sort of activities, police have every right to surprise the petitioner's premises by following due process established under law.

9. With these observations, this writ petition stands disposed of.

No costs.

12.09.2023

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
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To

1. The Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Inspector of Police,
Karaikudi (North) Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

PKN

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