



W.P.(MD) No.27971 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.27971 of 2024

Muruganayaki

... Petitioner

Vs.

1. The Commissioner of Police  
Tiruneveli City  
Tirunelveli

2. The Inspector of Police(L&O)  
Palayamkottai Police Station  
Tirunelveli City  
Tirunelveli

... Respondents

**Prayer:** Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the respondents to permit the petitioner's Physiotherapy and Oil Therapy Centre namely Thara Ayush Wellness Centre to open and run in the premises situated in Door No.13, Thiruchendur Road, Kamarajar Colony, Samathanapuram, Palayamkottai Taluk, Tirunelveli on the basis of the petitioner's representation dated 09.11.2024

For Petitioner : Mr.M.Sankar

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor



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## **ORDER**

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The prayer in this writ petition is to direct the respondents to permit the petitioner's Physiotherapy and Oil Therapy Centre namely Thara Ayush Wellness Centre to open and run in the premises situated in Door No.13, Thiruchendur Road, Kamarajar Colony, Samathanapuram, Palayamkottai Taluk, Tirunelveli on the basis of the petitioner's representation dated 09.11.2024

2.The learned counsel appearing for the petitioner submitted that the petitioner proposed to start a wellness centre in the name of Thara Ayush Wellness Centre for Physiotherapy and Oil Therapy. He would further submit that the petitioner completed diploma course in Physiotherapy and oil therapy and it was started to give treatment to the patients who are in need of physiotherapy and oil therapy. He further submitted that the second respondent issued summons to the petitioner on 11.10.2024 at about 11.00 am., for enquiry with relevant documents relating to CSR No.1180 of 2024. The petitioner appeared before the second respondent along with necessary document to give permission but the second respondent failed to consider the request, hence he has filed the present petition.



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3.The learned Additional Public Prosecutor, on instructions, would submit that there are no previous cases as against the petitioner's therapy Centre.

4.This Court on an earlier occasion had elaborately discussed about the similar subject and passed order dated 09.12.2014 in W.P.Nos.24629/2014 etc., batch reported in **2015[1]MLJ 308** in the case of ***Masti Health and Beauty Private Limited Vs. Commissioner of Police , Chennai***. It is relevant to extract paragraph 66 & 67 of the above said order which reads as follows:-

*“66.Therefore, if the respondents wish to regulate the business/profession of health centres, massage parlours and spas, they must take recourse either to the enactment of a legislation or to the issue of rules/by-laws in exercise of the power conferred by the respective enactments to make subordinate legislation.*

*67.In the light of the above, all the writ petitions are disposed of to the following effect:-*

*[I] 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*



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*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 31.03.2015, before this Court, about the decision taken. No costs. Consequently all connected pending MPs are closed.”.*

5. In the light of the said order, this Court is inclined to direct 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. It is further made clear that this order will not prohibit the respondents/authorities concerned from interfering in the petitioner's business activities, if there is any violation on the part of the petitioner.



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6. With the above direction, the Writ Petition stands disposed of. No costs.

**25.11.2024**

Index : Yes/No

Internet : Yes

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To:

1. The Commissioner of Police  
Tiruneveli City  
Tirunelveli
2. The Inspector of Police(L&O)  
Palayamkottai Police Station  
Tirunelveli City  
Tirunelveli
3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court  
Madurai.



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**M. NIRMAL KUMAR,J.,**

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