



W.P.No. 4307 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

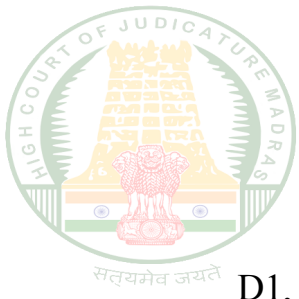
W.P.No.4307 of 2025 and
W.M.P.Nos.4815 and 4817 of 2025

S.Ramasamy

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St.George,
Chennai 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai 600 007.
- 3.The Deputy Commissioner of Police,
Triplicane District,
Chintradripet,
Chennai 600 002.
- 4.The Assistant Commissioner of Police,
Triplicane Range,
Chennai 600 005.
- 5.The Inspector of Police,



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WEB COPY D1, Triplicane Police Station,
Chennai 600 005.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the entire records leading to impugned order made in Rc.No.E3(1)/191/62028/2024, dated 23.01.2025 on the file of the second respondent and quash the same and consequently, direct the respondents to issue Public Resort License of the petitioner under City Police Act, 1988 to conduct Indian Cultural Dance.

For Petitioner : Mr.G.Sankaran,
Senior counsel for
Mr.S.Gopinathan

For Respondents : Mr.A.Gopinath,
Government Advocate (crl.side).

ORDER

This petition has been filed challenging the order passed by the second respondent dated 23.01.2025 thereby cancelling the Public Resort License of the petitioner.



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2. The petitioner has been engaged in the restaurant business under the name and style of “M/s. Pal's Restaurant” since 2010. The petitioner has also been conducting cultural dance programmes since 1980 by renewing the license periodically. However, the petitioner's application for the renewal of the license was rejected in the year 2021. The rejection was challenged before this Court in W.P.No.11073 of 2023 and W.A.No.23 of 2022. This Court, by an order dated 30.03.2023, directed the petitioner to submit a fresh application for the renewal of the license. Subsequently, the petitioner was granted the license on 07.07.2023 and it was renewed until 31.12.2024. While this being the case, police personnel visited the petitioner's restaurant on 18.09.2024 and stopped the cultural dance programme without providing any reason. In response, the petitioner submitted a representation, which was not considered. As a result, the petitioner approached this Court again in W.P.No.31498 of 2024. On 11.11.2024, this Court directed the issuance of a notice and the passing of orders after conducting an enquiry on merits and in accordance with the law. Thereafter, the petitioner was issued a Show



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Cause Notice, to which the petitioner submitted a detailed reply.

However, no order was passed and the petitioner was left with no option but to file a contempt petition before this Court. Following this, the second respondent passed an order cancelling the petitioner's license.

3. The learned Senior Counsel would submit that petitioner had been permitted to conduct cultural dance programmes for the past two decades. The license was cancelled only because the petitioner approached this Court after the programme was stopped without any valid reason. The learned Senior Counsel would further submit that the petitioner had conducted the cultural dance programme as per the conditions imposed while issuing the license and had never violated any condition. To date, no case has been registered against the petitioner for violating any conditions of the license. Moreover, no complaint had been received from anyone, including the general public. However, the Show Cause Notice stated that individuals visiting the restaurant were often in a drunken state, which led to insecurity for females in the public areas near the restaurant. The notice also claimed that under the guise of the



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cultural dance programme, females dressed indecently were allowed to perform, resulting in the degradation of cultural values.

4. It was further alleged that there were instances of disturbances to females and the public in an indecent manner, leading to the possibility of law and order issues at the location of the restaurant. On receipt of the said Show Cause Notice, the petitioner submitted a detailed reply. However, without considering the reply, the second respondent mechanically cancelled the license without providing any justification.

5. Heard the learned counsel appearing on either side and perused the material placed on record.

6. On perusal of the counter filed by the fifth respondent reveal that on receipt of the explanation from the petitioner and also the report submitted by the third respondent and available records, the second respondent passed a detailed order. There were credible complaints from the general public with regards to the operation of the petitioner's

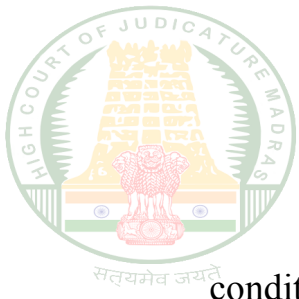


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restaurant. These complaints alleged disturbances caused by patrons, instances of indecent behavior and violations of the conditions of the Public Resort License. Therefore, the petitioner's restaurant was considered a risk to public order, undermining cultural values and raising safety concerns, particularly for women in the vicinity. However, the counter filed by the fifth respondent does not mention any complaint lodged by the general public or complaints from the cultural programme performers about customers disturbing their programme under the influence of alcohol.

7. The petitioner was issued a license for conducting cultural programmes under several conditions, including that no obscene performance shall be conducted or allowed inside the licensed premises. The performance of any kind of stripping, in which women remove clothing covering the bottom, abdomen or private parts, is strictly prohibited. Furthermore, no person shall be allowed to perform either nude or semi-nude, wearing transparent or scanty clothing. Additionally, no liquor should be served in the restaurant. Any violation of these



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conditions or notices could result in legal action and cancellation of the Public Resort License.

8. According to the second respondent, there was a possibility of unsafe conditions for the cultural performers since visitors to the restaurant might approach them under the influence of alcohol. Despite this, no action was taken against the petitioner for violating any of the license conditions. Furthermore, upon reviewing the order of this Court, it is evident that no allegations have been made against the petitioner's restaurant regarding any violation of the license conditions. In fact, the Show Cause Notice does not mention any complaints from performers or the general public.

9. The license was issued under the Madras City Police Act, 1888, which regulates businesses operating in enclosed spaces or buildings. However, there is no provision under this Act to refuse a license or its renewal based on violations of conditions such as decency, morality, or obscenity. While the Madras City Police Act, 1888 and the BNS Act,



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2023, provide methods to deal with immoral, indecent, or obscene activities, individuals involved in such activities can be prosecuted in criminal court. Furthermore, the licensing authority has the power to suspend, cancel or forfeit the license based on violations. However, in the absence of a clear provision prohibiting the granting or renewal of licenses based on offenses related to decency or morality, this Court is constrained to hold that the petitioner has a fundamental right to carry on business without undue interference, as guaranteed under Article 19(1)(g) of the Constitution of India. Moreover, the Show Cause Notice and the impugned order claim that patrons of the restaurant, under the influence of alcohol, create insecurity for females in public areas near the restaurant. However, no formal complaint has been lodged against the petitioner, nor has any FIR been registered regarding such allegations. Additionally, there have been no complaints that cultural performers were dressed indecently while performing. If such behavior were occurring, the licensing authority could take appropriate action. But there is no evidence to support such claims.



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10. The enquiry report by the second respondent mentions credible complaints from the general public, but it fails to specify the nature of these complaints or provide any evidence that the petitioner violated the license conditions. Furthermore, the fifth respondent did not examine anyone during the inquiry and no statements were produced before the second respondent to show that the petitioner had violated the conditions of the license while conducting the cultural dance programme. There is also no evidence to suggest that the petitioner's activities pose a risk to public order, undermine cultural values or create safety concerns, particularly for women in the vicinity. Therefore, the cancellation of the license amounts to an unjustifiable restriction on the fundamental rights of the petitioner, as guaranteed under Article 19(1)(g) of the Constitution of India.

11. In view of the above, this Court finds infirmity in the order passed by the second respondent and the order dated 23.01.2025 made in Rc.No.E3(1)/191/62028/2024 cannot be sustained and is liable to be quashed. Accordingly, the order passed by the second respondent dated



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23.01.2025 made in Rc.No.E3(1)/191/62028/2024 is quashed. The second respondent is directed to issue a Public Resort License to the petitioner under the Madras City Police Act, 1888, for conducting Indian Cultural Dance Programmes at the restaurant M/s. Pal's Restaurant, No.42, Anna Salai, G.G.Complex, Chennai 600 002, within a period of two weeks from the date of receipt of a copy of this order.

12. Accordingly, the writ petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

11.03.2025

Speaking/non-speaking order
Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

1. The Government of Tamil Nadu,
Rep. by its Secretary,
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Fort St. George,
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2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
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3. The Deputy Commissioner of Police,
Triplicane District,
Chintradripet,
Chennai 600 002.
4. The Assistant Commissioner of Police,
Triplicane Range,
Chennai 600 005.
5. The Inspector of Police,
D1, Triplicane Police Station,
Chennai 600 005.
6. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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