



W.P.No.37089 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.37089 of 2015
and M.P.No.1 of 2015

C.P.Girija

... Petitioner

Vs.

1.The Superintendent of Police
Villupuram District
Villupuram

2.The Inspector of Police
Auroville Police Station
Villupuram District.

3.The Director General of Police,
Mylapore, Chennai-4.

...Respondents

[R3 impleaded suo motu today (20.12.2021)]

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents their subordinates from in any manner interfering with the petitioner's lawful business of Maruthasanjevani Ayurvedic Therapy Centre at No.501, ECR Road near Sub City Bommaiypalayam, Villupuram District by the petitioner.



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W.P.No.37089 of 2015

For Petitioner : Mr.M.Kingston Thomas
For Mr.M.Devaraj

For Respondents : Mr.Rajendiran
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to forbear the respondents, their subordinates from in any manner interfering with the petitioner's lawful business of MRUTHASANJEVANI Ayurvedic Therapy Centre at No.501, ECR Road near Sub City Bommaiypalayam, Villupuram District by the petitioner.

2.The petitioner states that she had completed course in Ayurvedic Health Care Practices and Panchakarma Therapy Course. She had established MRUTHASANJEVANI Ayurvedic Panchakarma Therapy and Research Centre at No.501, ECR Road, Bommayarpalayam.

3.The grievances of the writ petitioner is that the respondent Police authorities are frequently interfering with the lawful business activities causing disturbances which resulted in prejudice to the business activities.

4.This Court is of the considered opinion that there are large scale



W.P.No.37089 of 2015

allegations in general in the public domain against such Ayurvedic Spa and
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Message centers. On information, the Police authorities are empowered to
conduct inspections. If any doubt arises, the Police authorities are bound
to conduct inspections in order to verify the business activities and to
prevent illegal activities in the premises.

5.In order to avoid such instances, the Police authorities are insisting
for installation of CCTV cameras in Spa, Ayurvedic and Therapy centers.
Such actions if initiated, then it would be convenient for the authorities to
verify the CCTV footages for the purpose of ensuring that such massage
centers are conducting lawful business alone. The powers and actions of
the law enforcing agencies cannot be curtailed by the Court unnecessarily
thereby paving way for any illegal activities by any person in the name of
spa or massage centers.

6.In urban Areas and Metropolitan Cities like Chennai, Coimbatore,
large number of such spas and massage centers are suddenly growing
within a short span of period and there are numerous allegations against
the business activities of these spas and massage centers and more
specifically, the allegations of prostitutions are also frequently received by



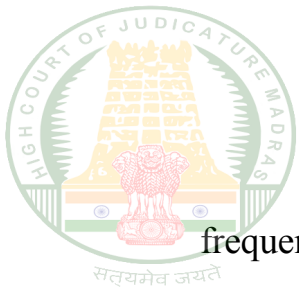
W.P.No.37089 of 2015

the police authorities.

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7.This being the informations in the public domain, the law enforcing authorities are bound to conduct frequent inspections to curb any such illegal activities, if noticed. Under these circumstances, no preventive orders can be passed by this Court restraining the law enforcing authorities from exercising their powers in accordance with law and by following the procedures. Such prevention is not only unconstitutional but result in encouragement of crimes in the society. Thus, Courts are expected to be cautious in entertaining such writ petitions seeking relief of preventive orders to curb the law enforcing authorities from exercising their powers in accordance with law. No doubt, the Police officials are bound to exercise their powers only by following the procedures and in accordance with law. However, the preventive orders, if any issued, would cause great prejudice to the authorities from exercising the power even in a lawful manner and such restrictions would be taken undue advantage of the persons, who all are running such massage centers and spas. Thus, entertaining a writ petition itself would create certain issues in the absence of any cause for consideration of relief.

8.In the present case except by stating that the Police authorities are



W.P.No.37089 of 2015

frequently conducting inspections, there would be no cause for the writ petitioner to seek the relief against the respondents not to interfere with the business. The self claim made by the petitioner that they are conducting lawful business cannot be always trusted upon and the Police authorities are duty bound to verify the same in order to ensure such lawful business in that locality.

9.In view of the fact that a common circular needs to be issued in this regard to the Police authorities across the State of Tamil Nadu, this Court is inclined to implead suo motu the Director General of Police, Mylapore, Chennai-4. The Additional Government Pleader takes notice for the impleaded respondent.

10.As far as the Chennai city is concerned, the Chennai Corporation has already issued a notification declaring the Spa and Massage centres as the public places and issued directives to install CCTV cameras in all such public places in order to ensure safety and security as well as to prevent any illegal activities. Similar declarations are to be made by the Corporations and Municipalities across the State of Tamil Nadu

11.In view of the facts and circumstances, the following orders are



W.P.No.37089 of 2015

issued:

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- 1) The respondents are directed to issue appropriate orders to all the Spa and Massage centers, Therapy centers etc., across the State of Tamil Nadu to install CCTV cameras which must be functional in all circumstances.
- 2) Appropriate directions are to be issued to ensure that these Spa, Massage centers, Therapy centers etc., are conducting their business activities in a transparent manner and avoid secluded or closed rooms paving way for illegal activities.
- 3) In the event of any reasonable suspicion, information or complaint, the Police authorities are directed to initiate all appropriate actions in the manner known to law.

12. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2021

Jeni/Cse

Internet : Yes

Index : Yes

Speaking order : Yes/No



W.P.No.37089 of 2015

WEB COPY

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W.P.No.37089 of 2015

S.M. SUBRAMANIAM, J.

Jeni/Cse

W.P.No.37089 of 2015

20.12.2021