

HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 10213 OF 2022

Between:

B.Unique Family Saloon and Spa, Rep. by its Proprietrix Sukka Rajani, D/o Sukka Komaraiah, Aged about 30 years, Occ. Business, R/o H.No.797, Sri Swamy Ayyappa Society, Serilingampally, Madhapur, Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, T.S.Secretariat, Hyderabad, Telangana State.
2. The Commissioner of Police, Hyderabad City, Hyderabad, Telangana State.
3. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad, Telangana State.
4. The Station House Officer, Madhapur Police Station, Madhapur, Hyderabad, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more preferably one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing the impugned notification No.(L & O)/M4/3140/2010, dated. 30/06/2010 passed by the 2nd respondent as illegal, arbitrary, discriminatory, violative of Articles 14, 19(1) (g) of the Constitution of India, contrary to the provisions of the Hyderabad City Police Act, 1348 Fasli and consequently set-aside the same against the petitioner, in the interest of justice.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned notification No.(L & O)/M4/3140/2010,dated. 30/06/2010 passed by the 2nd respondent against the petitioner, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner: SRI RAJANIKANTH JWALA

Counsel for the Respondents: ASSISTANT GP FOR HOME

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10213 OF 2022

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondent No.2/Commissioner of Police, Hyderabad, in issuing Notification No.(L&O)/M4/3140/2010, dated 30.06.2010, as illegal and arbitrary and consequently, set aside the same.

2. Heard both sides. Perused the record.

3. In the course of submissions, it is submitted by the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Home representing the respondents that the issue involved in this Writ Petition is squarely covered by a common order of this Court in W.P.No.16281 of 2010 and batch, dated 28.09.2021.

4. Accordingly, this Writ Petition is disposed of in terms of the common order, dated 28.09.2021, in W.P.No.16281 of 2010 and batch, permitting the petitioner to run the massage centre, subject to maintaining a record in the register to be maintained by the massage centre containing the dates of visits of the customers, their names and verifiable addresses together with the phone numbers, so as to enable the police to contact them on the aspect of the request

to the owner/manager/operator of the massage centres to provide for the help from the opposite sex. Further, it shall be open to any police officer not below the rank of a Sub-Inspector of Police attached to any police station to verify once in a while such records maintained by the massage centres and he shall also be at liberty to verify as to whether the particular customer has solicited any such special service from the massage centre or not. It is also open to the police to take appropriate action depending upon the result of any such verification and also considering the fact that whether the cross massage service provided to the customers is in professional manner or not. Police are also entitled to investigate into crimes, if any, reported against the petitioner. Petitioner is also directed not to keep the main door of the premises closed, during the working hours. Subject to these conditions, the petitioner may be permitted to carry on the business, duly taking all necessary and proper precautions to ensure that no incident of immoral activity is carried on under the guise of providing whole body massage.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,
1. The Principal Secretary Home Department, State of Telangana,
T.S.Secretariat, Hyderabad, Telangana State.

HIGH COURT

DATED:25/02/2022



ORDER

WP.No.10213 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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03/03/2022

2. The Commissioner of Police, Hyderabad City, Hyderabad, Telangana State.
 3. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad, Telangana State.
 4. The Station House Officer, Madhapur Police Station, Madhapur, Hyderabad, Telangana State.
 5. One CC to SRI RAJANIKANTH JWALA, Advocate [OPUC]
 6. Two CCs to the GP for Home, High Court for the State of Telangana. [OUT]
 7. Two C.D. Copies.
 8. One Spare Copy.
- MRC

