

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.141 of 2017
and
C.M.P.Nos.2375 and 2376 of 2017

R.Mahalakshmi

Appellant

Versus

- 1 The State of Tamil Nadu
Rep by The Secretary
Home Department
Fort St. George Chennai 600 009
- 2 The Commissioner of Police
Commissioner Office Vepery
Chennai 600 007
- 3 The Commissioner
Corporation of Chennai Rippon Buildings
Chennai 600 003
- 4 The Assistant Commissioner of Police
AVS Wing Chindathripet Chennai
- 5 The Inspector of Police
R.1 T.Nagar Police Station
Chennai 600 017

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 15.11.2016 passed in W.P.No.35633 of 2016 on the file of this court.

WP.No.35633 of 2016:Writ Petition filed under section 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 2 to 5 or their men and agents from interfering with the peaceful conduct of business in the name and style of Majestic Family Saloon & Spa without video evidence

For appellant : Mr.Ashok Menon

For respondents : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned learned Special Government Pleader appearing for the respondents.

2. The writ appeal has been filed challenging the order of the learned Single Judge declining to grant the relief sought for by the appellant.

3. It appears that the appellant/petitioner is running a Spa without any licence and hence, she faces some interference from the respondent- authorities . According to the petitioner, only in case of running a Saloon, a licence is required to be obtained from the Corporation authorities and hence, she had not approached the Corporation authorities seeking any licence, but, as of now, she had moved an application also before the respondent-authorities seeking licence/no objection certificate as the case may for running the Spa.

4. It appears that there is some misunderstanding may be with regard to the provisions of grant of licence for running a Spa and that may be the reason, the petitioner would not have approached the Corporation. Be that as it may, any business activity that is being carried out within the Corporation needs to be permitted by the Corporation and no one can go scot free. In the absence of any such bye law or provision, it is for the Corporation authority to make the required amendment of bye law and also insist for licence/no objection certificate to be obtained from the police. Further, it appears that there is also some misunderstanding between the petitioner and the police resulting in summoning of the petitioner under the guise of some illegal activities that is being carried out by the petitioner, may be for extraneous considerations or reasons.

5. The learned counsel appearing for the appellant/petitioner also brings to the notice of the court that the appellant/petitioner had already moved an application before the respondent-authorities in this regard. In such circumstances, till such time, the Corporation makes any required amendment of bye laws or provisions and insists for licence to be obtained by the petitioner for the Spa conducted by the petitioner, it shall not be disturbed provided unless and until it is warranted and they shall not ordinarily try to harass the petitioner. If any application as alleged by the

petitioner is already filed, it is for the Corporation authorities to consider the same and issue the required certificate, collecting necessary fees, in accordance with law.

6. The order of the learned Single Judge is modified to the above extent. This writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CSVII)

True Copy

Sub-Assistant Registrar

ssk.

To:

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+1 cc to the Government Pleader sr 23830
+2 ccs to the Mr.Ashok Menon Advocate sr 23151

W.A.No.141 of 2017

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