

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.12252 of 2019

M/s.Kayal Day Spa
Rep. by its Proprietor
K.Balakumaran

...Petitioner

Vs.

1.The Superintendent of Police
Coimbatore District
Coimbatore.

2.The Inspector of Police
Thudiyalur Police Station
Thudiyalur
Coimbatore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents or their men from interfering with the lawful conduct of business activities in the name and style of "Kayal Day Spa" at No.14/16, Viswanathapuram, Thudiyalur, Coimbatore - 641 034.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.B.Anandan
Government Advocate

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents not to interfere with the lawful conduct of business activities under the name and style of "Kayal Day Spa" at No.14/16, Viswanathapuram, Thudiyalur, Coimbatore - 641 034.

3. According to the petitioner, he is carrying his business lawfully without doing any illegal or unlawful activities and therefore, unwarranted interference by the respondents has to be stopped.

4. In similar circumstances, this Court has passed a common order in WP.Nos.31941 of 2018 etc., batch dated 04.04.2019, wherein, paragraph Nos.5, 6 & 7, reads as follows:

"5. In view of the above stated facts and circumstances and since the Beauty Parlour, Spa and Massage Parlours are included in Schedule VI for obtaining Trade License as notified by the Chennai Corporation and other Corporations and Municipalities of this State, it is for these petitioners as well as similarly situated persons to apply for such license. Since the time is agreed to be extended till 30.06.2019 to issue the said license, the respondents are directed to maintain status quo as on today in respect of all the Beauty Parlour, Spa and Massage Parlour in this State till 30.06.2019. However, if the concerned authorities receive complaint about any illegal or unlawful activities allegedly being carried on in those places, the order of status quo granted herein will not be a bar for such authorities to take action against those erring persons in accordance with law.

6. The learned Additional Advocate General also stated that a general circular will be issued to all the Municipalities and Corporations indicating the notification issued with regard to the license to be obtained by the Beauty Parlour, Spa and Massage Parlour. He further stated that necessary paper publication will also be given inviting application from the Beauty Parlour/ Spa/ Massage Parlour to apply for license with effect from 30.06.2019 in accordance with the notification issued as stated supra. The above said undertakings given by learned Additional Advocate General are recorded.

7. In view of the above stated facts and circumstances and the notifications issued as stated supra, these Writ Petitions are disposed of with the following directions:

a) All the petitioners are directed to apply for the license to run their respective Beauty Parlour/Spa/Massage Parlour before the concerned Authority by making necessary application within a period of one month from the date of receipt of a copy of this order.

b) On receipt of such applications, the concerned Authority shall dispose of such application on merits and in accordance with law on or before 30.06.2019.

c) The State of Tamilnadu through its Secretary, Home Department, shall issue paper publication inviting application from the persons running Beauty Parlour/Spa/Massage Parlour, to apply for license with effect from 30.06.2019.

d) The Government of Tamilnadu also will intimate, through a General Circular, all the Municipalities and Corporations about the respective notification issued with regard to the requirement to get license by the Beauty Parlours/Spa/Massage Parlour.

e) Since the time to issue license is extended till 30.06.2019, the respondents are directed to maintain status quo as on today in respect of Beauty Parlour/Spa/Massage Parlour in the State till 30.06.2019.

f) However, the above order of status quo will not be a bar for the law enforcing authorities to take appropriate action against any of the Beauty Parlour/Spa/Massage Parlour, if they receive any complaint against them of some illegal or unlawful activities allegedly being carried on in those places."

5. Accordingly, this Writ Petition is disposed of, in terms of the order already passed by this Court in WP.Nos.31941 of 2018 etc., batch dated 04.04.2019. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

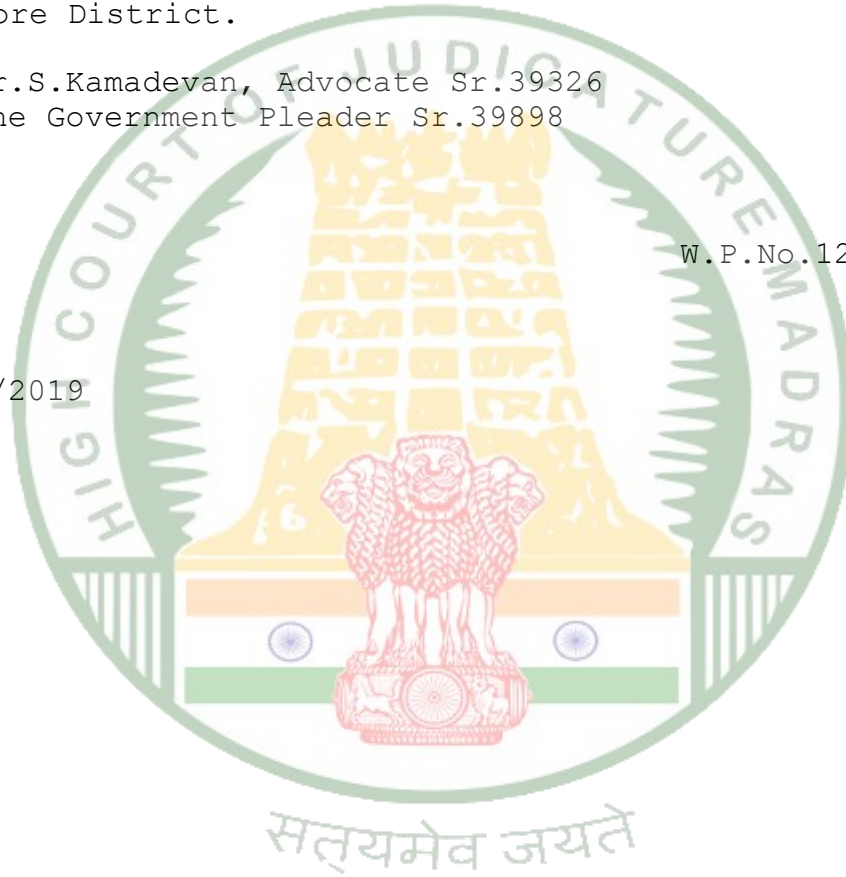
1.The Superintendent of Police
Coimbatore District
Coimbatore.

2.The Inspector of Police
Thudiyalur Police Station
Thudiyalur
Coimbatore District.

+1cc to Mr.S.Kamadevan, Advocate Sr.39326
+1cc to the Government Pleader Sr.39898

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srg 24/05/2019



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