

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.31941, 21273, 30470, 31688, 32056 & 30492 of 2018
and

W.P.Nos.185, 414, 5567, 7487, 7690, 8494 & 9347 of 2019
and

W.M.P.Nos.24942, 35539, 36960, 37176, 37305 of 2018
and

WM.P.Nos.470, 6338, 8151, 8326, 9016 & 9905 of 2019

- 1 SHAKEELA
D/O.IBRAHIM DOOR NO. 582/558 MUDHALI
STREET NEAR MARIYAMA KOIL
KALINGARAYAPALAYAM VILLAGE ERODE TALUK
ERODE DISTRICT
... PETITIONER in WP No.31941 of 2018
- 1 MOORTHY
S/O.AYYAPPAN NO.18 PRAKASAM STREET JANAKI
NAGAR VALASARAVAKKAM CHENNAI - 600 087
... PETITIONER in WP No.21273 of 2018
- 1 SANIYA CHACKO
D/O.CHACKO ALAGENDIRA TOWER AVINASHI ROAD
THIRUPPUR TOWN THIRUPPUR DISTRICT.
... PETITIONER in WP No.30470 of 2018
- 1 G.KAVITHA
W/O. GANESH KUMAR DOOR NO. 85/ 15A
KATCHERY ROAD THIRUCHENCODE
NAMAKKAL DISTRICT
... PETITIONER in WP No.31688 of 2018
- 1 A.ATHITHYA GNANAM
S/O. VAIRAM NO 5 PALANIYAPPA VEETHI ERODE
ERODE DISTRICT-638009
... PETITIONER in WP No.32056 of 2018

- 1 ANUSHRIS MORAL EDGE
SKIN AND HAIR AND AYURVEDIC SPA REP.BY ITS
PROPRIETOR SMT.K.PUSHPA NEAR RAMAKRISHNA
PARK GOPI HOSPITAL MAIN ROAD SALEM-636 007
... PETITIONER in WP No.30492 of 2018
- 1 PUNARNAVA
NATUROPATHY HEALING CENTRE AND UNISEX
AYURVEDIC SPA REP BY ITS PROPRIETOR MR.
ABHILASH BALAKRISHNAN NO.347/1 57/A1 OMALUR
MAIN ROAD KURUNGUCHAVAD
... PETITIONER in WP No.185 of 2019
- 1 R.DEVI
W/O.RADHAKRISHNAN DOOR NO. 141 COLLEGE
ROAD AYYAPPAN KOVIL THIRUPPUR THIRUPPUR
DISTRICT 641 602
... PETITIONER in WP No.414 of 2019
- 1 BASILL JOSE
S/O JOSE.P.V. NO.20A-1 U.K.THEVAR STREET
SULUR COIMBATORE - 641 402
... PETITIONER in WP No.5567 of 2019
- 1 M.VELAYUTHAM
S/O.MURUGAN NO.9 NEW COLONY 14TH CROSS ST
CHROMPET CHENNAI-44
... PETITIONER in WP No.7487 of 2019
- 1 M.VELAYUTHAM
S/O. MURUGAN DOOR NO. 57 VELLALAR STREET
ADAMBAKKAM CHENNAI - 600088
... PETITIONER in WP No.7690 of 2019
- 1 M.VELAYUTHAM
S/O.MURUGAN NO.54 PANGARU ST SALIGRAMAM
CHENNAI-93
... PETITIONER in WP No.8494 of 2019
- 1 BASIL JOSE
S/O JOSE NO 20- A 1 U.K.TJHEVAR STREET
SULAR COIMBATORE DISTRICT- 641402
... PETITIONER in WP No.9347 of 2019

Vs

1. THE SUPERINTENDENT OF POLICE,
TALUK OFFICE ROAD, ERODE,
ERODE DISTRICT.

2. THE INSPECTOR OF POLICE,
CHITHODU POLICE STATION,
ERODE, ERODE DISTRICT.

3. THE COMMISSIONER,
ERODE CORPORATION,
ERODE.

(R3 IMPEADED SUO MOTU VIDE COURT ORDER
DATED 17.12.2018 MADE IN W.P.NO.31941/2018 BY PNPJ)

... Respondents in WP.No.31941 of 2018

1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI.

2 THE INSPECTOR OF POLICE
VALASARAVAKKAM POLICE STATION CHENNAI.

3 THE GREATER CHENNAI CORPORAT
ION REP BY ITS COMMISSIONER CHENNAI. (R3
IMPEADED VIDE COURT ORDER DT 17/12/2018
MADE IN WP.NO.21273/18 BY PSNJ)

... RESPONDENT in WP No.21273 of 2018

1 THE SUPERINTENDENT OF POLICE
THIRUPPUR CITY THIRUPPUR DISTRICT.

2 THE INSPECTOR OF POLICE
THIRUPPUR NORTH POLICE STATION THIRUPPUR
DISTRICT.

3 THE COMMISSIONER
TIRUPPUR CORPORATION TIRUPPUR. (R3
IMPEADED VIDE COURT ORDER DT 17/12/2018
MADE IN WP.NO.30470/18 BY PSNJ)

... RESPONDENT in WP No.30470 of 2018

1 THE SUPERINTENDENT OF POLICE
NAMAKKAL AND DISTRICT

2 THE INSPECTOR OF POLICE
THIRUCHENCODE TALUK POLICE STATION NAMAKKAL DISTRICT

... RESPONDENT in WP No.31688 of 2018

1 THE SUPERINTENDENT OF POLICE
TALUK OFFICE ROAD ERODE DISTRICT

2 THE INSPECTOR OF POLICE
ERODE TOWN POLICE STATION,
ERODE, ERODE DISTRICT.

3 THE COMMISSIONER
ERODE CORPORATION ERODE. (R3 IMPEADED VIDE
COURT ORDER DT 17/12/2018 MADE IN WP.NO.
32056/18 BY PSNJ)

... RESPONDENT in WP No.32056 of 2018

1 THE STATE OF TAMIL NAD
REP.BY THE SECRETARY HOME DEPARTMENT FORT
ST.GEORGE CHENNAI-600 009

2 THE COMMISSIONER OF POLICE
SALEM TOWN SALEM

3 THE INSPECTOR OF POLICE
HASTHAMPATTI POLICE STATION HASTHAMPATTI
SALEM-636 007

4 THE COMMISSIONER
SALEM CORPORATION SALEM. (R3 IMPEADED VIDE
COURT ORDER DT 17/12/2018 MADE IN WP.NO.
30492/18 BY PSNJ)

... RESPONDENT in WP No.30492 of 2018

1 THE STATE OF TAMIL NADU
REP BY THE SECRETARY HOME DEPARTMENT FORT
ST.GEORGE CHENNAI 600009

2 THE SUPERINTENDENT OF POLICE
SALEM DISTRICT SALEM

3 THE INSPECTOR OF POLICE
SOORAMANGALAM POLICE STATION SOORAMANGALAM
SALEM DISTRICT

... RESPONDENT in WP No.185 of 2019

1 THE SUPERINTENDENT OF POLICE
THIRUPPUR CITY THIRUPPUR DISTRICT.

2 THE INSPECTOR OF POLICE
THIRUPPUR NORTH POLICE STATION THIRUPPUR
DISTRICT.

... RESPONDENT in WP No.414 of 2019

1 THE SUPERINTENDENT OF POLICE
DISTRICT POLICE OFFICE COIMBATORE DISTRICT.

2 THE INSPECTOR OF POLICE
SULUR POLICE STATION COIMBATORE DISTRICT.

... RESPONDENT in WP No.5567 of 2019

1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI

2 THE INSPECTOR OF POLICE
813 CHROMPET POLICE STATION CHENNAI

... RESPONDENT in WP No.7487 of 2019

1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI

2 THE INSPECTOR OF POLICE
R8 ADAMBAKKAM POLICE STATION CHENNAI

... RESPONDENT in WP No.7690 of 2019

1 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI

2 THE INSPECTOR OF POLICE
RS.VIRUGAMBAKKAM POLICE STATION CHENNAI

... RESPONDENT in WP No.8494 of 2019

1 THE SUPERINTENDENT OF POLICE
COIMBATORE COIMBATORE DISTRICT

2 THE INSPECTOR OF POLICE
SULUR POLICE STATION COIMBATORE DISTRICT

... RESPONDENT in WP No.9347 of 2019

Prayer:-

WP No.31941 of 2018:-

forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of NEEMS KERALA AYURVEDIC CLINIC Door No. 582/558, Mudhali Street, Near Mariyama Koil, Kalingarayapalayam Village, Erode Taluk, Erode District

WP No.21273 of 2018:-

Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of GROTTO UNISEX SALOON & SPA, No.18, Prakasam Street, Janaki Nagar, Valasaravakkam, Chennai - 600 087.

WP No.30470 of 2018:-

Direction in the nature of writ for bearing the respondents or their men, agents for interfering with peaceful conduct of business i.e. cross massage in the name and style of GREEN SPA at Alagendira Tower, Avinashi Road, Thiruppur Town, Thiruppur District.

WP No.31688 of 2018:-

Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of Kerala Ayurvedic Centre and SPA Door No. 85/ 15A, Katchery Road, Thiruchencode, Namakkal District

WP No.32056 of 2018:-

To direction in the nature of writ forbearing Respondents or their men agents from Interfering with the Peaceful conduct of business cross massage in the name and style of AATHITHIA AYURVEDIC HEALTH AND UNISEX SPA NO 5 Palaniyappa Veethi Erode Erode District-638009 and pass such further orders as this Honble Court may deem fit and proper of the case

WP No.30492 of 2018:-

forbearing the respondents from interfering from in any way disturbing or interfering with the peaceful conduct of the petitioners business offering various massage therapies to both sexes by the trainees belonging to both sexes under the name and style of Anushree Moral Edge, at No.47/8C1, Near Ramakrishna park Gopi Hospital Main Road, Salem 636 007

WP No.185 of 2019:-

forbearing the 3rd respondent from disturbing and interfering with the petitioners day to day business activities in the name and style of No.347/1,57/A1, Omalur Main Road, Kurunguchavadi salem District, 636 004

WP No.414 of 2019:-

Direction in the nature of writ for bearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e.cross massage in the name and style of High Life Ayurveda Spa at Door No.141, College Road, Ayyappan Kovil, Thiruppur, Thiruppur District 641602.

WP No.5567 of 2019:-

Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e., cross message in the name and style of Nature Ayurvedic Health SPA at No.20A-1, V.K.Thevar Street, Sulur, Coimbatore-641 402

WP No.7487 of 2019:-

forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of AROMA SPA No.9, New Colony, 14th Cross Street, Chrompet, Chennai-600 004

WP No.7690 of 2019:-

Forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of AROMA SPA Door No. 57, Vellalar Street, Adambakkam, Chennai - 600088

WP No.8494 of 2019:-

forbearing the respondents or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of AROMA SPA No.54, Pangaru Street, Saligramam, Chennai- 600093

WP No.9347 of 2019:-

To forbearing the respondents or their men, agents from interfering with the peaceful conduct of business cross Massage in the name and style of Nature Ayurvedic Health SPA at No 20-A- 1 U.K Thevar street Sular, coimbatore District- 641 402

For Petitioner in WP.Nos.31941,
21273, 32056, 30470, 31688/2018 &
414, 7690, 8494, 9347, 7487/2019 : Mr.S.Leonard Vasanth

For Petitioner in WP.30492/2018
WP.No.185/2019 : Mr.K.Venkatesan

For Petitioner in WP.No.5567/2019 : Mr.D.Arun

For Respondents : Mr.S.R.Rajagopal,
Additional Advocate General
assisted by Mr.E.Balamurugan,
Special Government Pleader
for R1 & R2 in all W.Ps.
and for R3 in W.P.30492/2018
Mr.M.Rajamathivanan for R3
in W.P.31941/2018
R3- service awaited
in W.P.Nos.21273, 30470 &
32056/2018

COMMON ORDER

In all these writ petitions, the respective writ petitioners, who are running Beauty Parlour/ Spa / Massage Parlour seek for mandamus, forbearing the respective respondents from interfering with their peaceful conduct of business of beauty parlour/ Spa / massage parlour at the respective premises under the guise of inspection.

2. According to the petitioners, they are carrying on their business lawfully without doing any illegal or unlawful activities and therefore, unwarranted interference by the respondents has to be stopped.

3. The learned Additional Advocate General appearing for the respondents however, submitted that a notification dated 27.02.2019 is issued under Section 373 of the Chennai City Municipal Corporation Act, 1919, wherein and whereby, the Beauty Parlour, Spa and Massage Parlour are included in Schedule-VI for obtaining Trade License to be issued by the Greater Chennai Corporation. He produced a copy of the said notification. He further submitted that similar notifications are issued in respect of all the Municipalities and Corporations in the State of Tamilnadu as well and therefore, the respective petitioners who are presently running or persons who propose to run Beauty Parlour/ Spa/ Massage Parlour in this State have to obtain such license from the competent authority. Therefore, he submitted that the petitioners have to necessarily apply for license

before the competent authority and get the same so as to enable them to run the Beauty Parlour, Spa and Massage Parlours in accordance with the terms of the license.

4. The learned Additional Advocate General further submitted that though issuance of such license was originally scheduled to commence from 01.04.2019, the said cut off date is extended upto 30.06.2019 and therefore, all these petitioners can apply for such license before the competent authorities within such time by complying with all the requirements. He has also given an undertaking that since the date of commencement of issuance of such license will be extended till 30.06.2019, the status quo as on today will be maintained, in respect of the existing Beauty Parlour, Spa and Massage Parlour.

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. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi/gsi

To

1. THE SUPERINTENDENT OF POLICE,
TALUK OFFICE ROAD, ERODE,
ERODE DISTRICT.

2. THE INSPECTOR OF POLICE,
CHITHODU POLICE STATION,
ERODE, ERODE DISTRICT.

3. THE COMMISSIONER,
ERODE CORPORATION,
ERODE.

4 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE
VEPERY CHENNAI.

- 5 THE INSPECTOR OF POLICE
VALASARAVAKKAM POLICE STATION
CHENNAI.
- 6 THE GREATER CHENNAI CORPORATION
REP BY ITS COMMISSIONER
CHENNAI.
- 7 THE SUPERINTENDENT OF POLICE
THIRUPPUR CITY THIRUPPUR DISTRICT.
- 8 THE INSPECTOR OF POLICE
THIRUPPUR NORTH POLICE STATION THIRUPPUR
DISTRICT.
- 9 THE COMMISSIONER
TIRUPPUR CORPORATION TIRUPPUR.
- 10 THE SUPERINTENDENT OF POLICE
NAMAKKAL AND DISTRICT
- 11 THE INSPECTOR OF POLICE
THIRUCHENCODE TALUK POLICE STATION
NAMAKKAL DISTRICT
- 12 THE INSPECTOR OF POLICE
ERODE TOWN POLICE STATION,
ERODE, ERODE DISTRICT.
- 13 THE STATE OF TAMIL NADU
REP.BY THE SECRETARY HOME DEPARTMENT
FORT ST.GEORGE CHENNAI-600 009
- 14 THE COMMISSIONER OF POLICE
SALEM TOWN SALEM
- 15 THE INSPECTOR OF POLICE
HASTHAMPATTI POLICE STATION HASTHAMPATTI
SALEM-636 007
- 16 THE COMMISSIONER
SALEM CORPORATION SALEM.
- 17 THE SUPERINTENDENT OF POLICE
SALEM DISTRICT SALEM
- 18 THE INSPECTOR OF POLICE
SOORAMANGALAM POLICE STATION
SOORAMANGALAM, SALEM DISTRICT

19 THE SUPERINTENDENT OF POLICE
DISTRICT POLICE OFFICE COIMBATORE DISTRICT.

20 THE INSPECTOR OF POLICE
SULUR POLICE STATION COIMBATORE DISTRICT.

21 THE COMMISSIONER OF POLICE
THE GREATER CHENNAI POLICE VEPERY CHENNAI

22 THE INSPECTOR OF POLICE
813 CHROMPET POLICE STATION CHENNAI

23 THE INSPECTOR OF POLICE
R8 ADAMBAKKAM POLICE STATION CHENNAI

24 THE INSPECTOR OF POLICE
RS.VIRUGAMBAKKAM POLICE STATION CHENNAI

+9cc to Mr.S.Leonard Vasanth, Advocate in sr.no.32943 to 32951
+2cc to Mr.K.Venkatesan, Advocate in sr.no.32870
+1cc to Mr.C.S.Saravanan, Advocate in sr.no.32852
+1cc to Government Pleader, in sr.no.34767

W.P.Nos.31941, 21273, 30470,
31688, 32056 & 30492 of 2018
and
W.P.Nos.185, 414, 5567, 7487,
7690, 8494 & 9347 of 2019

RSV(CO)
CS/09/04/2019

सत्यमेव जयते
WEB COPY