



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) Nos.13327 and 13328 of 2019

M.S.Vinayan

... Petitioner

in both W.Ps.

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Courtalam Police Station,
Courtalam,
Tirunelveli District.

... Respondents in both W.Ps.

Prayer in W.P.(MD).No.13327 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents, their men and agents from interfering with the peaceful conduct of the business by the petitioner in the name of Ayur Arogyam Centre at D.No.3, Courtalam - Five Falls Road (near Boat House), Illanji Village, Tenkasi Taluk, Tirunelveli District.

Prayer in W.P.(MD).No.13328 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents, their men and agents from interfering with the peaceful conduct of the business by the petitioner in the name of Ayur Arogyam Centre at D.No.20, Fun Land Ailaperi - Old Courtalam Road, Melakaram Town Panchayat, Tenkasi Taluk, Tirunelveli District, Tamil Nadu 627 802.

For Petitioner : Mr.K.V.Rajarajan

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)



C O M M O N O R D E R

These writ petitions have been filed seeking a direction to the respondents not to interfere with the peaceful conduct of the business in the name of Ayur Arogyam Centre.

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2. The grievance of the petitioner is that, he is running a business in the name of "Ayur Arogyam Centre". Now, the respondents are preventing the petitioner from running the business on the ground that he is running the business without obtaining any license. According to the petitioner, there is no requirement to get a license from any authorities to run the Ayur Arogyam Centre. But the respondents are interfering with the petitioner's business and unnecessarily harassing him.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that, now the Chennai City Municipal Corporation Act, 1919 and the Tamil Nadu District Municipalities Act, 1920 have been amended with effect from 06.07.2018, wherein, Schedule V of the Act, requires a license for running a Haircut Saloon, Beauty Parlour, Spa or Massage Parlour. The relevant portion of the Amendment Act reads as follows:-

"(jj)Haircutting Saloon or beauty parlour, without partition or room.

(jjj)Beauty Parlour, spa or massage parlour, with partition or room or sauna or bathing facilities:

Provided that no licence shall be granted unless the applicant produces no objection certificates from such Health Officer and Police Officer as may be specified by the Executive authority."

4. As per the above said amendment, to run a Beauty Parlour, Haircut Saloon, Spa or Massage Parlour, the petitioners should necessarily get a license from the Authorities concerned.

5. I have considered the rival submissions and also perused the materials carefully.

6. Now the Tamil Nadu District Municipalities Act, 1920 as well as the Chennai City Municipal Corporation Act, 1919, have been amended and as per the amended provision, a license is required for running a Haircut Saloon, Beauty Parlour, Massage Centre or Ayurvedic Spa. Admittedly, in the instant case, the petitioner so far did not obtain any license. In the above circumstances, the prayer sought for by the petitioner cannot be granted. Hence, these



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Prayer in W.P.(MD).No.13327 of 2019: Writ Petition is filed under

Writ Petitions stand dismissed. However, it is always open to the petitioner to approach the Authorities concerned seeking for license and after obtaining license, he can run the Salon, Parlour and Spa Centre. No costs.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Courtalam Police Station,
Courtalam,
Tirunelveli District.

+2 CC to M/s.K.V.RAJARAJAN, Advocate SR-80841 & 81842

Order made in
W.P. (MD) No.13327 of 2019
Dated: **08.08.2019**

akv

JM/23.09.2019/3P/5C