



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.08.2019**

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.13988 of 2019

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Revathi

: Petitioner

Versus

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in No.C/79/K1PS/KKD1/2019, dated 18.06.2019 and quash the same as illegal, consequently, direct the respondents from in any way disturbing or interfering with the peaceful conduct of the petitioner's business offering various massage therapy by both sexes and for the petitioner's client belonging to both sexes at the petitioner's Ayurvedic Spa Centre, namely Classic Spa situated at No.19, 1st Floor, K.V.C.Tower, Karaikudi Town and Taluk, Sivagangai District.

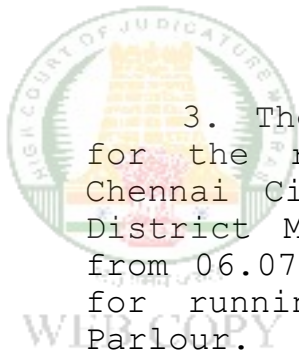
For Petitioner : Mr.D.Venkatesh

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

O R D E R

This Writ Petition has been filed challenging the order dated 18.06.2019, whereby and whereunder, the petitioner's request to grant permission to run the Ayurvedic Spa Centre, namely Classic Spa, was rejected.

2. The grievance of the petitioner is that, she is running a Ayurvedic Spa Centre doing various massage therapy. Seeking permission, she made an application before the second respondent, but, the second respondent, by the impugned order dated 18.06.2019, rejected her request, stating that, no proper details were furnished and other Spa Centres were closed, as they failed to depute proper skilled persons. Challenging the same, the present Writ Petition has been filed.



3. The learned Government Advocate (Criminal side) 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 petitioner 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, the Writ Petition stands dismissed. However, it is always open to the petitioner to approach the Authorities concerned seeking for license and after obtaining license, she can run the Ayurvedic Spa Centre. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Sivagangai District.



2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

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Order made in
W.P. (MD) No.13988 of 2019
Dated: 19.08.2019

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MK (19.09.2019) 3P 3C