



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

WEB COPY

W.P. (MD)Nos.16036 and 14597 of 2019 and 15043 of 2017
and
W.M.P. (MD) .Nos.12743 of 2019 and 11879 of 2017

W.P. (MD) .NO.16036 of 2019

K.Sridhar ... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Inspector of Police,
Thillai Nagar Police Station,
Trichy District, Trichy.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the peaceful conduct of the business running in the name and style of Five Falls Ayurvedic SPA at No.C.114, A.S.R. Complex, 2nd Floor, Sashtri Road, Trichy-18.

For Petitioner : Mr.P.Mani Anandh
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

W.P. (MD) .NO.14597 of 2019

E.Muthukumar ... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to extend the benefit of the order passed by this Honourable Court in the case of S.Rangaraj and others Vs.The Commissioner of Police, Chennai City, Chennai-8 and others reported in 2015 (1) Law Weekly Criminal 3.S.N which has been subsequently followed in Ms.Kadek Dwi Ani Rasmini Vs.Mr.K.Natarajan & others reported in 2019(1) Law Weekly Criminal (94) to the petitioner's business being run in the name and style of Relax family saloon and spa at D.No.1/3, Mubarak Plaza, South Bye-Pass Road, BBC Colony, Palayamkottai, Tirunelveli, pursuant to the registration certificate issued by the Ministry of Micro, Small and Medium Enterprises vide Udyog Aadhar No.TN18D0019226.

For Petitioner : Mr.R.Anand
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

W.P. (MD) .NO.15043 of 2017

M.Vaisakhan ... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Deputy Superintendent of Police,
Kanyakumari, Kanyakumari District.

3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

4.The Sub-Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of



Mandamus, forbearing the respondents from in any way interfering with the peaceful conduct of the petitioner's business offering Ayurvedic Massage in the name and style of Jeevan Ayurveda Panchakarma Clinic and Spa at Sarvodaya Nagar, Kanyakumari, Kanyakumari District without following the due process of law.

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For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the respondent Police not to interfere with the peaceful conduct of the petitioners' business viz., Ayurvedic Spa, Family Saloon and Ayurvedic Massage Centre.

2. The grievance of the petitioners is that, the petitioners are running Ayurvedic Spa, Family Saloon and Ayurvedic Massage Centre. Now the respondent Police are preventing the petitioners from running the business on the ground that they are running the business without obtaining any license. According to the petitioners, there is no requirement to get a license from any authorities to run the Ayurvedic Spa, Family Saloon and Ayurvedic Massage Centre. But the respondent Police are interfering with the petitioners' business and unnecessarily harassing them.

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 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 cases, the petitioners so far did not obtain any license. In the above circumstances, the prayer sought for by the petitioners cannot be granted. Hence, the Writ Petitions stand dismissed. However, it is always open to the petitioners to approach the Authorities concerned seeking for license and after obtaining license, they can run the Ayurvedic Spa, Family Saloon or Ayurvedic Massage Centre. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

Tsg

To

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Inspector of Police,
Thillai Nagar Police Station,
Trichy District, Trichy.

3.The Commissioner of Police,
Tirunelveli City.

4.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.

5.The Superintendent of Police,
Nagercoil, Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



6.The Deputy Superintendent of Police,
Kanyakumari, Kanyakumari District.

7.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

8.The Sub-Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-78798[F] dated
31/07/2019)

+1 cc to Mr.S.C.Herold Singh , Advocate SR.No.78627

+1 cc to Mr.R.Anand , Advocate SR.No.78701

Common Order made in
W.P. (MD) Nos.16036 and 14597 of 2019
and 15043 of 2017
Dated:30.07.2019

KM/ (20.09.2019) 5P 12C