



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

CORAM:

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

**W.P. (MD)No.18127 of 2019**

**and**

**W.M.P. (MD) .No.14579 of 2019**

C.M.Sherina : Petitioner

Vs.

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

2.The Inspector of Police (Law and Order),  
K.Pudur Police Station,  
Madurai City.

: 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 second respondent from anyway interfering with the petitioner's business of running traditional herbal massage centre in the name of Brindavanam Kerala Ayurvedic Health Centre at Door No.103/1, 2nd floor, Yasins Towers, 120 Feet Road, Vivekanantha Nagar K.pudur, Madurai, except in accordance with guidelines issued by the Hon`ble Court in M/s.Masti Health and Beauty Vs. The Commissioner of Police, dated 09.12.2014, based on the petitioner's representation dated 07.06.2019.

For Petitioner : Mr.M.Jegadeesh Pandian  
For Respondents : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.side)

### **O R D E R**

This Writ Petition has been filed seeking a direction to the second respondent Police not to interfere with the peaceful conduct of the petitioner's business of running Traditional Herbal Massage Centre in the name of 'Brindavanam Kerala Ayurvedic Health Centre'.

2. The grievance of the petitioner is that, she is running a Traditional Herbal Massage Centre in the name of 'Brindavanam Kerala Ayurvedic Health Centre'. Now, the respondent Police are



preventing the petitioner from running the business on the ground that she 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 Traditional Herbal Massage Centre. But the respondent Police are interfering with the petitioner's business and unnecessarily harassing her.

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 Traditional Herbal Massage Centre. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar



To

1.The Commissioner of Police,

Madurai City,

Madurai.

2.The Inspector of Police (Law and Order),

K.Pudur Police Station,

Madurai City.

3. The Additional Public Prosecutor,

Madurai bench of Madras High Court, Madurai.

+1 CC to M/s.M. JEGADEESH PANDIAN, Advocate ( SR-83676[F] dated  
27/08/2019 )

Order made in

**W.P. (MD) No.18127 of 2019**

**Dated:22.08.2019**

tsg/sml

MS/18.09.2019/3P.5C