



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.6951 of 2018

WEB COPY

M/s.River Salon and Day Spa,
Represented by its Operation Head,
Mustafa Mahabood,
19\10, Seethammal Extension,
2nd Cross Street, Alwarpet,
Chennai-600 018.

... Petitioner

Vs.

1. The Commissioner of Police,
City Police Office,
Pudukottai Main Road,
Subramaniapuram,
Trichy-620 020.
2. The Inspector of Police,
B-11, Thillai Nagar Police Station,
Thillai Nagar,
Trichy-620 018.

... 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, their men, agents, from interfering with the peaceful conduct of business of the petitioner in the name and style of River Salon and Day Spa at Hotel Sona's, No.75/E, Salai Road, Thillai Nagar, Tiruchirappalli, Tamil Nadu - 620 018.

For Petitioner : Mr.R.Murali

For Respondents : Mr.K.K.Ramakrishnan

Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking a direction to the respondent Police not to interfere with the peaceful conduct of the petitioner's business of running Salon and Spa Centre in the name of "River Salon and Day Spa."



2. The grievance of the petitioner is that, he is running a Salon and Spa Centre in the name of "River Salon and Day Spa Centre". Now, the respondent Police 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 Salon and Spa Centre. But the respondent Police 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, 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, he can run the Salon and Spa Centre. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Commissioner of Police,
City Police Office,
Pudukottai Main Road,
Subramaniapuram,
Trichy-620 020.

2.The Inspector of Police,
B-11, Thillai Nagar Police Station,
Thillai Nagar,
Trichy-620 018.

+1 CC to Mr.R. MURALI, Advocate (SR-83399[F] dated 26/08/2019)

Order made in
W.P. (MD)No.6951 of 2018
Dated: **21.08.2019**

tsg

MK (27.09.2019) 3P 4C