

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10082 of 2020
(Heard through VC)

Advaith Ayurveda Weliness Unisex
& Beauty Spa Saloon,
Represented by its Proprietress,
Door No.2, Vijaya Nagar (Near PTC Quarters),
Varadharajapuram,
Sriperumbudur Taluk,
Kanchipuram - 600 048. .. Petitioner

-vs-

Station House Officer/Inspector of Police,
C3, Police Station, Manimagalam,
Mudichur Road,
Kanchipuram - 631 501. .. Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus forbearing the respondents or his men or agents representatives or assignees or anyone claiming under him from any manner causing interference into the business and nature of services offered by the petitioner, except under due process of law.

For Petitioner : Mr.Nagasundaram
for Ms.V.Anusha

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The petitioner has sought for a writ of mandamus forbearing the respondent, who is the authority, from any manner causing interference to the business and nature of services offered by her.

2. The petitioner is running a Unisex Spa in the nature of beauty culture, health care, ayurvedic massage, yoga therapy and like services at a reasonable cost. Admittedly, there is no valid licence for the said beauty saloon.

3. In this regard it is pointed out by the learned Special Government Pleader that in Gazette Notification No.252, dated 16.07.2018, Schedule-VI of the Chennai City

Municipal Corporation Act, 1919 has been amended to include "Hair Cutting saloon & Beauty Parlour, without partition or room; 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 the Health Department of the Corporation and from such police officer as may be specified by the Commissioner."

4. It is further stated by the learned Special Government Pleader that as per G.O. No.15, M.A. & W.S (M.C-1) Department dated 31.01.2019, the Commissioner of Police has specified the following rules to regularise the Spa and Massage Parlour:

1. Separate license for conducting massage / spa shall be granted by the Corporation / District authority imposing conditions for the regulation of such massage / Spa establishments.

2. Police verification shall be part of the condition before granting license.

3. Conditions for granting license may include.

(a) The external doors of the Massage / Spa establishment to be kept open during the working hours.

(b) Minimum lighting facilities are provided in each room or enclosure where the massage services to be provided.

(c) The Massage services are not to be provided behind locked door.

4. Uniforms and identity cards.

(a) The licensee should possess a degree offered by any of the recognized universities in

(i) Physiotherapy (BPT) with 4 years duration and 6 months compulsory internship:

(ii) B.Sc. (Occupational Therapy)

(iii) M.Sc. (Occupational Therapy) or

(iv) Diploma in Physiotherapy with 3 years duration.

5. It is not known whether the petitioner herein possesses any of these qualifications. It is stated that the licence was applied before the Block Development Officer, who is not the competent authority. Therefore, the petitioner is advised to apply to the District Collector in this regard after obtaining a No Objection Certificate from the Deputy Superintendent of Police. Without obtaining the proper licence as envisaged in the City Municipal Corporation Act, the petitioner cannot run the business. It is open to the

petitioner to qualify herself and get appropriate licence and run the parlour.

6. The learned counsel appearing for the petitioner states that already the petitioner has applied before the appropriate authority, if so, the authorities concerned are directed to consider the application on its merits and issue licence, if otherwise everything is in order.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rsi

To

1 Station House Officer/Inspector of Police,
C3, Police Station, Manimagalam,
Mudichur Road,
Kanchipuram - 631 501.

2 The District Collector,
Kancheepuram District.

3. The Deputy Superintendent of Police,
Kancheepuram District.

+1cc to Ms.V.Anusha Advocate SR.NO.38196

W.P.No.10082 of 2020

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SDR 16/12/2020

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