

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19509 of 2020
and W.M.P.No.24122 of 2020
(Heard through VC)

S.Shanmugam

.. Petitioner

Vs.

1.The Superintendent of Police,
Erode, Erode District.

2.The Inspector of Police,
Erode Town Police Station,
Erode District

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the second respondent to issue a No Objection Certificate to the petitioner to run a "SPA" i.e., cross massage in the name and style of M/s. S ME AYURVEDIC and SPA, Door No.2, Maragathavalli Petrol Bunk backside, Petrol Street, Erode - 638 001, by passing orders on my representation dated 02.11.2020.

For Petitioner : Mr.S.Leonard Vasanth

For Respondents : Mr.V.Shanmugasundar, Spl.G.P

ORDER

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, this writ petition is taken up for final hearing.

2. The Writ Petition is filed seeking a mandamus to direct the second respondent to issue a 'No Objection Certificate' to the petitioner to run a "SPA" i.e., cross massage in the name and style of M/s. S ME AYURVEDIC and SPA, Door No.2, Maragathavalli Petrol Bunk backside, Petrol Street, Erode - 638 001, by passing orders on his representation dated 02.11.2020.

3. The petitioner is involved in the business in the name and style of M/s. S ME AYURVEDIC and SPA in Erode for

the past six months. As per the Gazette Notification dated 27.02.2019, any person intending to run a Spa Centre should obtain licence from the authority as mentioned therein and also obtain a 'No Objection Certificate' from the police authorities. Hence, the petitioner had applied for 'No Objection Certificate' before the second respondent, vide his representation dated 19.11.2020. As the same was being delayed, the petitioner is unable to continue with his business. Hence, the above Writ Petition is filed.

4. The law relating to Municipalities and Corporations were amended in Schedule V of the Tamil Nadu District Municipalities Act, 1920 and various other City Municipal Corporation Acts to require the person to obtain licence for running the business of a Saloon, Beauty Parlour, Spa and Massage Parlour. All those, who aspire to run a Spa or Massage Parlour, have to apply for the licence to run their business in the necessary prescribed application and the Municipal / Corporation Commissioner shall dispose of such application on merits and in accordance with law. It further directs the petitioner to obtain a 'No Objection Certificate' from the police authorities also.

5. As the petitioner is awaiting his 'No Objection Certificate' from the respondents, which is to accompany the application for licence, the second respondent is directed to issue the 'No Objection Certificate' to the petitioner, after due enquiry and verification, as prescribed in the Tamil Nadu District Municipalities Act, 1920 and after affording an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1.The Superintendent of Police,
Erode, Erode District.

2.The Inspector of Police,
Erode Town Police Station,
Erode District.

+1cc to M/s.S.Leonard Vasanth, Advocate SR.4243

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RSI (CO)
CB(04/02/2021)



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