



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)Nos.554 & 776 of 2020

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Regi Thomas ... Petitioner in both Petitions
Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur.
2. The Inspector of Police,
Thanjavur Medical College hospital
Police Station, Thanjavur. ... Respondents in both Petitions

Prayer in W.P.(MD) No. 554 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, for a direction, forbearing the respondents and their men and agents from in any way interfering with the peaceful running of the business of Ayurvedic Care Centre namely, Arockya Ayurvedic Therapy Care, at No.530, Vasantham Residency, Kurinji Street, Thanjavur.

Prayer in W.P.(MD) No. 776 of 2020: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, for a direction, forbearing the respondents and their men and agents from in any way interfering with the peaceful running of the business of Ayurvedic Care Centre namely, Arockya Ayurvedic Therapy Care, at MIG-891, Neidhal Nagar, new Housing Unit, Thanjavur.

In Both Petitions:

For Petitioner : Mr.K.C. Maniyarasu
For Respondents : Mrs.S.Bharathi
Government Advocate(Crl.Side)

COMMON ORDER

W.P.(MD)No.554 of 2020 is filed seeking for a direction, forbearing the respondents and their men and agents from in any way interfering with the peaceful running of the business of Ayurvedic Care Centre namely, Arockya Ayurvedic Therapy Care, at No.530, Vasantham Residency, Kurinji Street, Thanjavur.

W.P.(MD)No.776 of 2020 is filed seeking for a direction, forbearing the respondents and their men and agents from in any way interfering with the peaceful running of the business of Ayurvedic



Care Centre namely, Arockya Ayurvedic Therapy Care, at MIG-891, Neidhal Nagar, new Housing Unit, Thanjavur.

2. The grievance of the petitioner is that, he is running a Ayurvedic Care Centre in the name of "Arockya Ayurvedic Therapy Care". 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 Government Advocate (Crl. 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 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 has not obtained 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 (P&A)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur.
2. The Inspector of Police,
Thanjavur Medical College hospital
Police Station, Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.K.C.MANIYARASU, Advocate SR-2232, 2231

Common order made in
W.P. (MD) Nos. 554 & 776 of 2020
21.01.2020

SDS (11.02.2020) 3P 6C