



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15199 of 2020

Vijay Pandi

... Petitioner

Vs

The Commissioner,
Madurai Municipal Corporation,
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pass orders on the petitioner's application dated 29.09.2020 seeking permission to conduct SPA in accordance with Madurai City Municipal Corporation Act, 1971, within the period that may be stipulated by this Court.

For Petitioner	:	Mr.M.Jerin Mathew
For Respondent	:	Mr.R.Murali
		Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the application of the petitioner dated 29.09.2020, seeking permission to run a Spa in accordance with Madurai City Municipal Corporation Act, 1971, within the stipulated period that may be fixed by this Court.

2. Mr.R.Murali, learned Standing Counsel, accepts notice on behalf of the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner and Mr.R.Murali, learned Standing Counsel appearing for the respondent.

4. It is the contention of the petitioner that he is eligible and qualified to run a Spa. According to him, he applied for running a Spa with the respondent on 29.09.2020 under the provisions of Madurai City Municipal Corporation Act, 1971. According to him, he has satisfied all the requirements for running the Spa. According to him, till date, his application dated 29.09.2020 has not been considered by the respondent. In such circumstances, he has filed this Writ Petition.

5. As per the new amendment made to the Madurai City Municipal Corporation Act, 1971, Schedule IV has been amended and it has now become mandatory for any person, intending to run a Spa, to



obtain trade license from the respondent. The amended Schedule IV with regard to the subject Spa is detailed hereunder:-

"13.In Schedule IV to the 1971 Act, for the entry "Keeping a Shaving or hair dressing saloon", the following entries shall be substituted;-

"Haircutting saloon or beauty parlour, without partition or room.

Beauty Parlour, spa or massage parlour, with partition or room or sauna or bathing facilities:

Provided that no license 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.".

6. As seen from the amended Schedule IV, trade license is required to run a Spa. The petitioner has also applied for the same with the respondent on 29.09.2020, which admittedly has not been considered, till date.

7. For the foregoing reasons, this Court directs the respondent to pass orders on merits and in accordance with law, on the petitioner's application dated 29.09.2020, seeking permission to run a Spa, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Commissioner,
Madurai Municipal Corporation, Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-20962[F] dated 03/11/2020)

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NS (CO)

AP(06/11/2020) 2P 3C

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