

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3305 of 2021

and

WMP No.3762 of 2021

R.Pushparaj

...

Petitioner

Vs

1. The Superintendent of Police
Tirupur, Tirupur District.

2. The Inspector of Police
Tirupur North Police Station,
Tirupur District

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of 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 "The King of Flowers" at N Star Heritage, Door No.13, 14, 15, Pathirakali Amman Koil Street, Railway Station Back side, Tiruppur, Tiruppur District by passing orders on his representation dated 03.01.2021.

For petitioner

... Mr.S.Leonard Vasanth

For respondents

... Mr.V.Shanmuga Sundar

Special Government Pleader

ORDER

Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for the respondents.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to 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 "The King of Flowers" at N Star

Heritage, Door No.13, 14, 15, Pathirakali Amman Koil Street, Railway Station Back side, Tiruppur, Tiruppur District, based on the petitioner's representation dated 03.01.2021.

4. The petitioner claims that he is running the aforementioned Spa without any complaint. According to him, only with the assistance of qualified and trained therapist, the petitioner's Spa is being run. However, according to the petitioner, the respondents are frequently visiting the petitioner's premises and harassing its staff and pressuring them to shut down their business. The petitioner has given a representation on 03.01.2021 to the second respondent requesting him to issue 'No Objection Certificate' to run his Spa. Since his representation has not been considered, the petitioner has approached this Court under Article 226 of the Constitution of India.

5. Heard Mr.S.Leonard Vasanth, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents.

6. On instructions, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents, would submit that the petitioner is carrying on illegal activities in his premises in the name of Spa. Hence, according to him, the 'No Objection Certificate' sought for by the petitioner in his representation dated 03.01.2021 cannot be granted.

7. Admittedly, no final orders have been passed till date on the petitioner's representation dated 03.01.2021 seeking for 'No Objection Certificate' from the second respondent to run a Spa (i.e) Cross massage in the name and style of "The King of Flowers" at N Star Heritage, Door No.13, 14, 15, Pathirakali Amman Koil Street, Railway Station Back side, Tiruppur, Tiruppur District. Since no final orders have been passed on the petitioner's representation, no prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 03.01.2021 seeking for issuance of 'No Objection Certificate' to run a Spa i.e., cross massage in the name and style of "The King of Flowers" at N Star Heritage, Door No.13, 14, 15, Pathirakali Amman Koil Street, Railway Station Back side, Tiruppur, Tiruppur District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

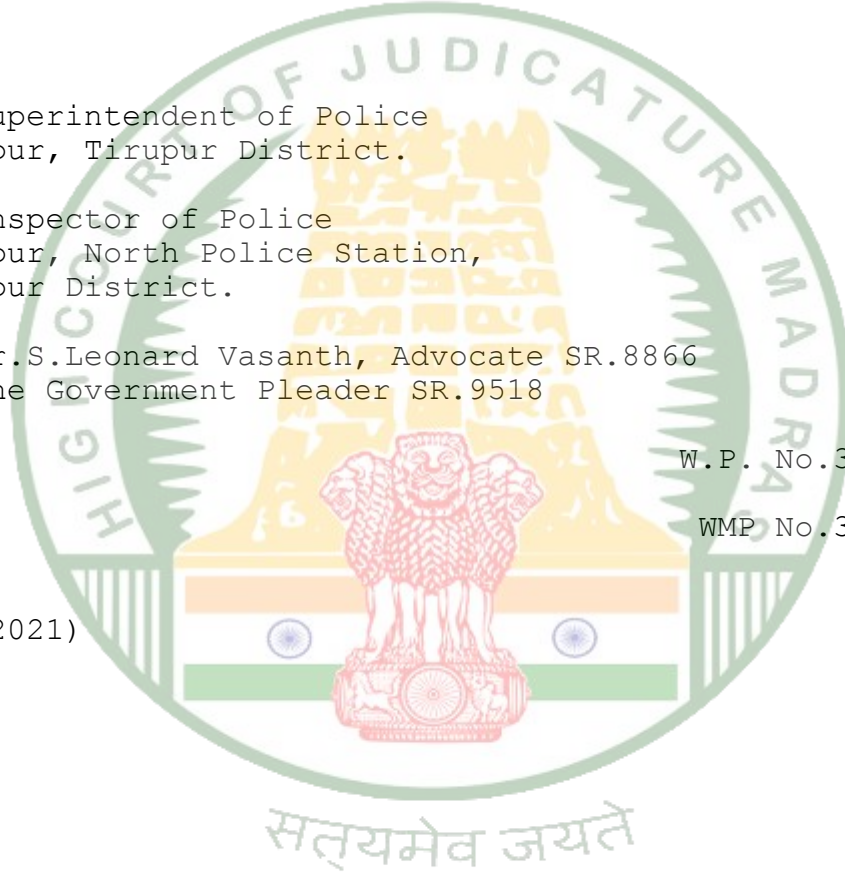
To

1. The Superintendent of Police
Tirupur, Tirupur District.
2. The Inspector of Police
Tirupur, North Police Station,
Tirupur District.

+1cc to Mr.S.Leonard Vasanth, Advocate SR.8866
+1cc to the Government Pleader SR.9518

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BR(CO)
CB(08/03/2021)



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