



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.09.2021

PRONOUNCED ON : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.20134 OF 2021
and WMP.No.21410 of 2021

R.Raja Sundar

...Petitioner

Vs.

1. The Commissioner of Police,
Salem,
Salem District.

2. The Inspector of Police,
Fairlands Police Station,
Salem,
Salem District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, Writ of Mandamus, directing 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 "BLOOMING UNISEX SALOON & SPA" at No.447/2, Guha Ashram Road, Fairlands, Salem, Salem District.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.Side)

O R D E R

This Writ Petition has been filed 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 "BLOOMING UNISEX SALOON & SPA" at No.447/2, Guha Ashram Road, Fairlands, Salem, Salem District.

2.The contention of the petitioner is that the petitioner is running SPA business at Door No.447/2, Guha Ashram Road, Fairlands, Salem, Salem District, for the past one year and there is no illegal activities going on, without giving any room



for complaint. The Sub-ordinate Police of the office of the Commissioner of Police, Salem entering the business constantly, who have no authority to inspect the premises or pressurize the petitioner to shut down the business. The Government issued Gazette Notification No.252, dated 16.07.2018 as amended Schedule VI of the Chennai City Municipal Corporation Act, for running a SPA Centre, licence be obtained from the authority, which is still pending with the authority. Hence, the petitioner applied for No Objection Certificate with the Inspector of Police and also to the Commissioner of Police, so far no action taken.

3.The petitioner further submitted that the petitioner is carrying out Ayurvedic Kerala Traditional Treatment, for certain ailments including the nervous disorders. The petitioner had employed qualified and trained Therapist for applying Ayurvedic oil and they can very well identify the nerves, blood vessels and without damaging any part of the body they can apply simple pressure and there by the nervous system stimulated for free flow of blood. This Court by an order dated 31.07.2009 in C.S.No.241 of 2009 had held that the City Police has no legal right to prevent a health "SPA" from being run by any citizen of the country. Further directing the police not to interfere with the peaceful conduct of the business.

4.This Court by an order dated 23.12.2014 in a batch of writ petitions in W.P.No.34401 of 2014, 34624 of 2014 and 11080 of 2017 and by order dated 09.12.2014 in W.P.No.15866 of 2013 etc., in the case of M/s. Masti Health and Beauty Private Limited Vs. The Commissioner of Police, Chennai City had directed the police to give permission. Further held that the police have no authority of law to shut down any business, which is being carried on like any other trade protected Under Article 19 of the Constitution of India.

5.The learned Additional Public Prosecutor, on instructions, submitted that there is no proof for submission of the representation of the petitioner dated 24.03.2021. If the petitioner has not obtained any "No Objection Certificate", the petitioner can be directed to approach the second respondent and the second respondent will consider the grant of "No Objection Certificate" to the petitioner.

6.Recording the submission of the learned Additional Public Prosecutor, this Writ Petition is disposed of with a direction to the petitioner to make a representation to the second respondent seeking for "No Objection Certificate" for running the business and the second respondent on receipt of the representation shall consider the same and issue "No Objection Certificate" if he satisfies all the requirements. In the event



of "No Objection Certificate" is granted, the respondent police shall not, thereafter interfere with the business of the petitioner, until it is run in accordance with law.

7. With the above observation, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Salem,
Salem District.
2. The Inspector of Police,
Fairlands Police Station,
Salem,
Salem District.
3. The Public Prosecutor,
High Court,
Madras - 104.

+1cc to Mr.N.Edwin Jeyakumar, Advocate, S.R.No.50615

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NSK 20/10/2021