



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. NO. 25148 OF 2021

AND

W.M.P.NO. 26517 OF 2021

Masti Health and Beauty Private Limited

Registered Office:

8-2-293 /82, Plot No. 564 / A- 32 / 2 and 32/ 3,

Road No.92,

Jubilee Hills, Hyderabad- 500 033.

... Petitioner

-Vs-

1. The Commissioner
Revenue Department
Greater Chennai Corporation
53, Raja Muthiah Rd, Kannappar Thidal,
Periyamet, Chennai, Tamil Nadu- 600003.

2. The Superintendent of Police
No.132, EVK Sampath Road, Vepery,
Periyamet, Chennai, Tamil Nadu- 600 007.

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other writ, directing the 2nd Respondent to issue a No-Objection Certificate to the petitioner pursuant to its application dated 28.09.2021.

For Petitioner : Mr.Srinath Sridevan

For Respondents : Mr.P.Manoj Kumar for R1
SC Chennai Corporation
Mr.R.Murthi
Government Advocate (crl.)
for R2



O R D E R

This writ petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd Respondent to issue a No-Objection Certificate to the petitioner pursuant to its application dated 28.09.2021.

2. The case of the petitioner is that the petitioner has been operating a Spa at Express Avenue Mall at Royapettah, Chennai from 22.08.2016 onwards. The petitioner had obtained a Trade license for running saloons and had been diligently renewing it from year to year. Hence, the petitioner on 28.09.2021 submitted a copy of the application form, along with necessary annexures, proof of the educational qualifications to the 2nd Respondent for receiving the no-objection certificate and since no order was passed, the petitioner made multiple representation for the speedy processing of the application. However, the 2nd respondent has not processed the application till date. Hence, this Writ petition.

3. The learned counsel for the petitioner submitted that, the petitioner is unable to run the spa without obtaining NOC and the petitioner is subjected to mental agony and the petitioner is unable to pay wages to petitioner employees and he further submitted that the petitioner made representation to the 2nd respondent on 28.09.2021 and till date no action was taken. Hence, he prays this Court to issue direction to the respondent to consider the petitioner representation and issue NOC as early as possible and prays for the permission of this Court to allow the petitioner to run the Spa in the meantime to meet the day to day financial needs of the petitioner and towards his employees.

4. Learned counsel appearing for the Respondent has no serious objection for the prayer sought for by the petitioner submits that the respondent will consider the petitioner's representation and will pass appropriate orders in accordance with law within a period of 4 weeks.

5. Heard the arguments advanced on either side.

6. Considering the submissions made by the learned counsel for the petitioner, this Court without going into the merits of the issue is inclined to issue direction to the respondent to consider the petitioner's representation and pass appropriate order in accordance within a period of four weeks after giving opportunity to the petitioner. However, since it is illegal to run Spa without obtaining NOC, this Court is not inclined to issue any positive direction to the petitioner to run the spa before obtaining the NOC. Considering the above the respondents



shall consider the application and pass orders forthwith not later than 4 weeks from the date of receipt of a copy of this order.

7. This Writ petition is disposed of accordingly, No costs. Consequently connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sha/skt

To

1. The Commissioner
Revenue Department
Greater Chennai Corporation
53, Raja Muthiah Rd, Kannappar Thidal,
Periyamet, Chennai, Tamil Nadu- 600003.
2. The Superintendent of Police
No.132, EVK Sampath Road, Vepery,
Periyamet, Chennai, Tamil Nadu- 600 007.

+1cc to Mr.Srinath Sridevan, Advocate, S.R.No.61902

Writ Petition No. 25148 of 2021
W.M.P.No. 26517 of 2021

PL(CO)
RLP(16/12/2021)