



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10833 of 2021

R.Deepan

... Petitioner

Vs.

1.The Commissioner,
Madurai Municipal Corporation,
Madurai.

2.The City Health Officer,
Madurai Municipal Corporation,
Madurai.

3.The Commissioner of Police,
Madurai.

4.The District Officer,
Fire and Rescue Services,
Madurai,
Madurai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to issue a No Objection Certificate to the petitioner for starting the trade of Haircutting Saloon and SPA in the name and style as 'LA MILANO SALOON and SPA" at Plot No.738, Karpaganagar 4th Street, K.Pudur, Madurai and consequently, direct the 1st respondent to grant license to the petitioner for starting the trade of Haircutting Saloon and SPA in the name and style as 'LA MILANO SALOON and SPA" at Plot No.738, Karpaganagar 4th Street, K.Pudur, Madurai, on the basis of the petitioner's representations, dated 04.06.2021.

For Petitioner : Mr.B.N.Raja Mohamed

For Respondents : Mr.R.Murali for R1 & R2
Standing Counsel

Mr.M.Lingadurai for R3 & R4
Government Advocate



ORDER

This writ petition has been filed for the issue of writ of Mandamus, directing the first respondent to issue licence to the petitioner to start his Saloon and SPA based on the representation made by the petitioner, on 04.06.2021.

2.The case of the petitioner is that he wanted to start a Saloon and SPA and hence, made necessary application before the police and the 4th respondent and according to the petitioner, he has also received the necessary No Objection from the police and the fourth respondent. Thereafter, the petitioner submitted the application before the first and second respondents. Since the same did not evoke any response, the present writ petition has been filed before this Court, seeking for appropriate directions.

3.Mr.R.Murali, learned Standing counsel appearing on behalf of the first and second respondents submitted that the first respondent is the appropriate authority, who will grant licence based on the No Objection Certificate given by the second respondent and the police.

4.The learned counsel for the petitioner submitted that the petitioner has already submitted the necessary No Objection from the police and the fourth respondent. It was further submitted that the representation is now pending before the second respondent, who has to give No Objection Certificate and based on the same, the first respondent has to issue licence for running the Saloon and SPA.

5.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to act upon the representation made by the petitioner, on 04.06.2021 and take a decision with regard to granting No Objection Certificate to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. The No Objection Certificate shall be submitted before the first respondent. The first respondent on receipt of the same and on verifying all other requirements, shall take a decision with regard to granting licence to the petitioner, within a period of four weeks thereafter.

6.The petitioner is directed to make a fresh representation to the first and second respondents along with all relevant documents and also a copy of this order.



7.This writ petition is disposed of with the above directions.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

/ /2021

Sub Assistant Registrar (CS)

TM

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

1.The Commissioner,
Madurai Municipal Corporation,
Madurai.

2.The City Health Officer,
Madurai Municipal Corporation,
Madurai.

3.The Commissioner of Police,
Madurai.

4.The District Officer,
Fire and Rescue Services,
Madurai,
Madurai District.

+1 CC to MR.R.MURALI, Advocate (SR-20820[F] dated 01/07/2021)

+1 CC to SPL GP (SR-20897,20898[F] dated 01/07/2021)

Order made in
W.P. (MD) .No.10833 of 2021
30.06.2021

KM(07.07.2021) 3P 7C