



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.NO.918 OF 2022

M/s.Happy Spa,
Rep. by its Partner S. Sumitha
Daughter of Sundaram
No.14, G.K.S. Avenue, Thondamuthur Road,
Vadavalli, Coimbatore - 641 046.

...Petitioner

Vs.

- 1.The Superintendent of Police,
District Police office,
State Bank of India Road,
Coimbatore.
- 2.The Deputy Superintendent of Police
Near Chawra Vidhya Bhavan, Somayampalayam
Perur, Coimbatore - 641 046.
- 3.The Inspector of Police,
Thondamuthur Circle,
Vadavalli Police Station,
M5, Navavoor Pirivu, Coimbatore - 641 108.
- 4.The Coimbatore Corporation Municipal Office
West Zone Ward - 18,
Maruthamalai Road, Vadavalli,
Coimbatore - 641 108.

...Respondents

Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to issue Trade License to the petitioner to commence their business at No.14 GKS Avenue Thondamuthur Road Vadavalli Coimbatore - 641 046 vide the 1st respondent's NOC Letter dated 12.08.2021 and petitioner's representation dated 18.12.2021.

For Petitioner : Mr.Ar.M.Arunachalam

For Respondents : Mr.V.Manoharan [R1 to R3]
Mr. K.Magesh [R4]



O R D E R

The relief sought for in the present writ petition is to direct the 4th respondent to issued Trade License to commence its business at Door No. 14, GKS Avenue, Thondamuthur Road, Vadavalli, Coimbatore.

2. The petitioner states that the Registrar of Firms has got the petitioner company registered as Happy Spa and thereafter it submitted an application seeking license from the competent authority/4th respondent. The grievances of the writ petitioner is that the 4th respondent has not granted Trade License and therefore, the petitioner is unable to commence its business.

3. The learned counsel appearing for the 4th respondent made a submission that all the required documents and No Objection Certificates are to be produced by the petitioner in consonance with the provisions of the Coimbatore City Municipal Corporation Acts and Rules enabling the authorities to consider the application submitted by the writ petitioner. The Petitioner obtained no pendency criminal case certificate from the Sub-Inspector of Police, which is not sufficient and No Objection Certificate from the competent police authorities must be obtained and other necessary fees are also to be paid through on-line. At the outset, it is contended that the petitioner has to comply with the procedures as contemplated for the purpose of considering the application.

4. Though, the learned counsel for the petitioner states that he has submitted the application in a proper format, the respondents raised an objection by stating that No Objection Certificate and other formalities contemplated are yet to be complied with for considering the application.

5. This being the factum, the learned counsel Government Additional Pleader also made a submission that the Sub Inspector of Police is not a competent authority to issue No Objection Certificate for grant of trade license by the Corporation. Thus, the petitioner is at liberty to submit all necessary documents and comply with the procedures as contemplated under the Acts and Rules enabling the authorities to consider the application on merits and in accordance with law. In the event of complying with all the requirements, the application submitted by the petitioner is to be considered. With these observations the writ petitioner stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

shr/ska



To

- 1.The Superintendent of Police,
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Coimbatore - 641 108.

+1cc to Mr.K.Magesh, Advocate Sr.No.4597

+1cc to Mr.AR.M.Arunachalam, Advocate Sr.No.4683

+1cc to the Government Pleader Sr.No.5140

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PMK(CO)
RVM(08/02/2022)