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W.P.No.24933 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24933 of 2022

R.Devi

...Petitioner

-Vs-

1. The Commissioner of Police,
City Police Commissioner Office,
Sirupooluvapatti, Tiruppur- 641 687.

2. The Inspector of Police,
15- Velampalayam Police Station,
Tiruppur- 641 652

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, pleased to issue writ of Mandamus, directing the respondents to issue a "No Objection Certificate" to run the business of Massage Parlour, Spa, Beauty Parlour in the name and style of Unique Ayurvedic Health Care and Family Spa, 320/2, Gandhi Road, Anupparpalayam Post, Tiruppur - 641 652, by passing order on the petitioner's representation dated 24.07.2022.

For Petitioner
For Respondents

: Mr.Balaji Thirumoorthy
: Mr.S.Santhosh
Government Advocate (Crl. Side)



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W.P.No.24933 of 2022

ORDER

This Writ Petition has been filed to direct the respondents to issue a "No Objection Certificate" to run the business of Massage Parlour, Spa, Beauty Parlour in the name and style of Unique Ayurvedic Health Care and Family Spa, 320/2, Gandhi Road, Anupparpalayam Post, Tiruppur - 641 652, by passing order on the petitioner's representation dated 24.07.2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner running a therapy centre in the name of style of Unique Ayurvedic Health Care and Family Spa, 320/2, Gandhi Road, Anupparpalayam Post, Tiruppur - 641 652, He further submitted that the No Objection Certificate from the jurisdictional police is necessary to obtain a trade licence from the City Corporation. He further submitted that the entire business premises are netted with CCTV Cameras and all the therapist were directed to wear uniform in the centre. He further submitted that some of the therapy centres in Tiruppur District are being harassed by the police department only because of the reason that they are being therapy centre. Since the petitioner had some apprehension



W.P.No.24933 of 2022

sent a representation dated 24.07.2022 and no reply has been received so far. Hence, the petitioner has come forward with this writ petition. The learned counsel for the petitioner also drawn the attention of this Court to the order dated 01.03.2019 passed by this Court in W.P.No. 4533 of 2017 in the case of ***M/s.Taksu Bali Spa Private Limited -vs- The Commissioner of Police, Coimbatore City and three others***, wherein, this Court has taken into consideration the similar prayer and prays for similar orders.

3.The learned Government Advocate (Crl.side) on instructions, would submit that there are no previous cases as against the petitioner's therapy Centre.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

5.It is seen that the petitioner is running a therapy centre in the name of style of “Unique Ayurvedic Health Care and Family Spa, 320/2, Gandhi Road, Anupparpalayam Post, Tiruppur - 641 652, The petitioner company is carrying therapy treatment. The grievance of the petitioner is



W.P.No.24933 of 2022

that the respondent police is harassing some of the therapy centres in Tiruppur District to run the therapy Centre.

6.This Court on an earlier occasion had elaborately discussed about the similar subject and passed order dated 09.12.2014 in W.P.Nos.24629/2014 etc., batch reported in **2015[1]MLJ 308** in the case of ***Masti Health and Beauty Private Limited Vs. Commissioner of Police , Tiruppur***. It is relevant to extract paragraph 66 & 67 of the above said order which reads as follows:-

“66.Therefore, if the respondents wish to regulate the business/profession of health centres, massage parlours and spas, they must take recourse either to the enactment of a legislation or to the issue of rules/by-laws in exercise of the power conferred by the respective enactments to make subordinate legislation.

67.In the light of the above, all the writ petitions are disposed of to the following effect:-

[i] The respondents shall not, as a matter of routine and without any basis, conduct any raids and interfere with the business carried on by the petitioners;

[ii] In specific cases, where the police have



W.P.No.24933 of 2022

reasonable grounds to believe that an offence punishable under the Immoral Traffic [Prevention] Act, has been or is being committed, it is open to the police to take action, after scrupulously following all the steps indicated in Section 15 of the said Act. The steps to be followed are narrated by me in paragraph 28 above; and

[iii] Based upon the laws enacted in various States of the United States of America and Singapore, which I have dealt with in paragraphs 39 to 54, the respondents may take appropriate steps for bringing in either a new legislation or a subordinate legislation in terms of the provisions of the Tiruppur City Municipal Corporation Act or the Tiruppur City Police Act, so that public order, decency and morality, which can form the basis for a regulatory law under Article 19(2) of the Constitution are taken care of. The Government shall file a report on or before 31.03.2015, before this Court, about the decision taken. No costs. Consequently all connected pending MPs are closed.”.

7. In the light of the said order, this Court is inclined to direct the respondents to comply with the directions/conditions imposed in paragraph 67 of the said order as extracted above within a period of two weeks from the date of receipt of copy of this order. It is also made clear



W.P.No.24933 of 2022

that the petitioner under the guise of carrying on business activity shall not indulge in any unlawful or illegal activities detrimental to law and order or public order. It is further made clear that this order will not prohibit the respondents/authorities concerned from interfering in the petitioner's business activities, if there is any violation on the part of the petitioner.

8. With the above direction, the Writ Petition stands disposed of.

No costs.

15.09.2022

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
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To

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2. The Inspector of Police,
15- Velampalayam Police Station,
Tiruppur- 641 652.
3. The Public Prosecutor
High Court, Madras.



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W.P.No.24933 of 2022

G.K.ILANTHIRAIYAN. J.

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W.P.No.24933 of 2022

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