



W.P. No.25864 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

W.P.No.25864 of 2022
and WMP.No.24934 of 2022

M/s.Lemon SPA
Rep.by its Proprietor
Mr.Sanjay Kumar
No.126P, Renaissance Terrace,
Third Floor, T.S.Road, Race Course,
Coimbatore 641 018.

... Petitioner

Vs

1. The Commissioner of Police
Coimbatore,
Coimbatore District.

2. The Inspector of Police
Race Course Police Station,
Coimbatore.

....

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a 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 M/s.LEMON SPA at 126P,



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Renaissance Terrace, Third floor, T.S.Road, Race Course, Coimbatore 641 018

by considering the petitioner's representation dated 14.05.2022.

For Petitioner : Mr.R.Shanmugham

For Respondents : Mr.S.Santhosh
Govt.Advocate (Crl.side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus 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 M/s.LEMON SPA at 126P, Renaissance Terrace, Third floor, T.S.Road, Race Course, Coimbatore 641 018 by considering the petitioner's representation dated 14.05.2022.

2. The case of the petitioner is that he is running traditional SPA in the name and style of M/s.Lemon SPA at 126P, Renaissance Terrace, Third floor, T.S.Road, Race Course, Coimbatore - 641 018 for the past six years without any complaint. However, the respondents police are frequently visiting his premises and harassing his staffs and pressuring him to shut down the business.



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The petitioner has not involved in any illegal or unlawful activity in the name of running SPA. It is further averred in the petition that the petitioner is unable to tolerate the continuous harassment of the respondents, and hence he gave a representation to the respondents requesting them to issue 'No Objection Certificate' to run his SPA. The 1st respondent vide in Na.Ka.No.IT/23717/2021 dated 01.10.2021 directed the petitioner to furnish the documents such as No Objection Certificate obtained from the fire department, property Tax receipt, lease deed, Engineer's Declaration certificate, building approval plan etc., The petitioner has also furnished the above documents along with the representation dated 14.05.2022 to the respondents. Despite receiving the same, the respondents have not taken any necessary action to issue no objection certificate to run spa and no order has been passed so far. Hence the petitioner has filed the present writ petition.

3. The learned Counsel appearing for the petitioner submitted that the second respondent police may be directed to consider the petitioner's representation, dated 14.05.2022.



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4. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) submitted that the petitioner's representation is available with the first respondent and that the respondent police is ready to consider the petitioner's representation.

5. Recording the same, the first respondent police is directed to consider the representation, dated 14.05.2022, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is also closed.

27.09.2022

Internet: Yes
Speaking/Non speaking order
dpq



WEB COPY

To

1. The Commissioner of Police
Coimbatore,
Coimbatore District.
2. The Inspector of Police
Race Course Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.
dpq

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