



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.27604 of 2021

&

WMP.No.29125 of 2021

Sairam

... Petitioner

Versus

1.The President,
Village Panchayat Office,
No.34, Athiyanthal Village,
Chengam Road, Thiruvannamalai,
Thiruvannamalai District.

2.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.

3.The Inspector of Police,
Taluk Police Station,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to issue a no objection certificate to the petitioner to run a "SPA" i.e., cross massage in the name and style of "AYURMITHRA TREATMENT CENTRE" at Hotel Chola & Resort, Chengam Road, Thiruvannamalai, Thiruvannamalai District - 606603, by passing orders on my representation dated 01.11.2021.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor.
ORDER

This Writ Petition has been filed to direct the 2nd respondent to issue a 'No Objection Certificate' to the



petitioner to run a "SPA" i.e., cross massage in the name and style of "AYURMITHRA TREATMENT CENTRE" at Hotel Chola & Resort, Chengam Road, Thiruvannamalai, Thiruvannamalai District - 606603, by passing orders on the petitioner's representation dated 01.11.2021.

2. The contention of the petitioner is that the petitioner is running SPA Centre in the name and style of "AYURMITHRA TREATMENT CENTRE" at Hotel Chola & Resort, Chengam Road, Thiruvannamalai, Thiruvannamalai District - 606 603 without any room for complaint. The respondent police has no authority to inspect the premises or pressurize the petitioner to shut down the business, unless and until any specific complaint is lodged against the establishment. As per the Government Gazette Notification No.252, dated 16.07.2018 as amended Schedule VI of the Chennai City Municipal Corporation Act, for running a SPA Centre, obtaining of licence has been made mandatory, the petitioner applied for such licence. Hence, the petitioner had sent a representation dated 01.11.2021 to the Superintendent of Police, Thiruvannamalai District for directing the police to issue "No Objection Certificate". Since no action was taken on his request, he filed this writ petition seeking for a direction to the second respondent to issue "No Objection Certificate".

3. The petitioner further submitted that the petitioner is carrying out the Kerala Traditional System of Medical Treatment for certain ailments, including the nervous disorders. The petitioner has employed qualified and trained therapists for applying Ayurvedic Medical oil all over the body and no illegal activity is being carried out. This Court, by an order dated 31.07.2009 in C.S.No.241 of 2009, held that the City Police has no legal right to prevent a health "SPA" from being run by any citizen of the country and granted an order of interim injunction, restraining the police from interfering with the peaceful conduct of the business.

4. The learned counsel for the petitioner submitted that earlier this Court, in similar circumstances, by an order dated 23.12.2014 in a batch of writ petitions in W.P.No.34401 of 2014, 34624 of 2014 and 11080 of 2017 and by order dated 09.12.2014 in W.P.No.15866 of 2013 etc., in the case of M/s. Masti Health and Beauty Private Limited Vs. The Commissioner of Police, Chennai City, had directed the police to give permission.

5. The learned Additional Public Prosecutor, on instructions, submitted that if the petitioner satisfies all the requirements as mentioned in G.O.(Ms)No.252, dated 16.07.2018, the second respondent will consider the grant of "No Objection Certificate" to the petitioner.



6. Recording the submission of the learned Additional Public Prosecutor appearing for the respondents, the Writ Petition is disposed of with a direction to the 2nd respondent to consider the representation of the petitioner dated 01.11.2021 and issue "No Objection Certificate", if he satisfies all the requirements, within a period of 4 weeks from the date of receipt of copy of this order. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mpl/srn

To

1. The President,
Village Panchayat Office,
No.34, Athiyanthal Village,
Chengam Road, Thiruvannamalai,
Thiruvannamalai District.
2. The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
3. The Inspector of Police,
Taluk Police Station,
Thiruvannamalai,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

W.P.No.27604 of 2021 &
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CP(CO)
CT 09/02/2022