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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.27272 OF 2021

M.Ramachandran
Proprietor
Smile Hair and Skin Studio (Unisex saloon and Spa),
S/o.Manoharan,
Block.No. 22, 3rd Floor, S.M.Arcade,
9th Street, Extension,
Gandhipuram,
Coimbatore - 641 012 ...Petitioner

Versus

1.The Commissioner of Police,
No.62, Old Post Office Road,
Near Railway Station,
Opp. Collector Office,
Gopalapuram, Coimbatore - 641 018.

2.The Inspector of Police,
B-15, Rathinapuri Police Station,
Rathinapuri, Coimbatore District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any appropriate writ, direction or order in the nature of the Writ, forbearing the respondents their men and agents from interfering with the peaceful conduct of business in the name and style of Smile Hair and Skin Studio (Unisex Saloon and Spa), Block No.22, 3rd Floor, S.M.Arcade, 9th Street, Extension, Gandhipuram, Coimbatore - 641 012.

For Petitioner : Mr.B.Aravinthan

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

ORDER

This Writ Petition has been filed to forbear the respondents, their men and agents from interfering with the



peaceful conduct of his business in the name and style of "Smile Hair and Skin Studio" (Unisex Saloon and Spa), Block No.22, 3rd Floor, S.M.Arcade, 9th Street, Extension, Gandhipuram, Coimbatore-641 012 .

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2. The contention of the petitioner is that the petitioner is running a Unisex saloon and spa in the name and style of "Smile Hair and Skin Studio" (Unisex saloon and Spa) in the above mentioned address for the past one year and it is a rented one. He had applied for a trade license before the Coimbatore Corporation for running the said Unisex Saloon and Spa, paid the necessary charges to the Coimbatore Corporation, for which, they issued a Receipt dated 24.11.2020 and the same is pending for scrutiny. The petitioner is running the said business in accordance with law without involving in any illegal or unlawful activities and have invested huge amount in the above said business. While being so, the 2nd respondent or his men or agents are regularly interfering with his business activities during the working hours and disturbing the working staffs under the guise of enquiry, due to which, his reputation was damaged in the larger public and lost customers thereto.

3. The learned counsel for the petitioner submitted that 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 27.09.2021 to the 1st and 2nd respondent Police and the same was received by them on 28.09.2021. Since no action was taken on his request, the petitioner filed this writ petition seeking for a direction to forbear the respondents, their men and agents from interfering with the peaceful conduct of his business.

4. 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.

5. 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.

6. 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 representation of the petitioner.

7. 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 27.09.2021 and dispose of the same on merits and in accordance with the law, if the petitioner satisfies all the requirements as mentioned in G.O.(Ms)No.252, dated 16.07.2018, 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.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

mpl/srn

To

- 1.The Commissioner of Police,
No.62, Old Post Office Road,
Near Railway Station,
Opp. Collector Office,
Gopalapuram, Coimbatore - 641 018.
- 2.The Inspector of Police,
B-15, Rathinapuri Police Station,
Rathinapuri, Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.B.Aravinthan, Advocate Sr.No.5009

W.P.No.27272 of 2021

PMK (CO)
RVM(17/02/2022)