



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.34072 OF 2019

Navajeevan Health Care Kerala Ayurvedic Clinic
Rep. By its proprietor Mr.Sajimon Peter,
No.15/173 B, Kannagi Street, Fairlands,
AdvaidhaAshramam Road, Near Nathan Hospital,
Salem - 636 016.

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. By the Secretary,
Home Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Salem City, Salem District.
3. The Inspector of Police,
Alagapuram Police Station,
Alagapuram,
Salem District.
4. The Commissioner,
Salem Corporation,
Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 3rd respondent from disturbing and interfering with the peaceful conduct of the petitioner's business offering various massage therapies viz., cross massage in the name and style of Navajeevan Health Care Kerala Ayurvedic Clinic at No.15/173 B, Kannai Street, AdvaidhaAshramam Road, Near Nathan Hospital, Fair lands, Salem 636 016.



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For Petitioner : Mr.K.Venkatesan
For Respondents : Mr.TNC.Kaushik,
Additional Government Pleader
- R1 to R3
Mr.Sathish - R4

O R D E R

Heard Mr.K.Venkatesan, learned Counsel for the petitioner and Mr.TNC.Kaushik, learned Additional Government Pleader for R1 to R3 and Mr.Sathish, learned Counsel for R4.

2. The petitioner seeks a mandamus forbearing R3 i.e. Inspector of Salem from disturbing and interfering with the peaceful conduct of its business offering massage therapy.

3. A counter has been filed by R4/contesting respondent, wherein he states in paragraph 3 that the license issued under Dangerous and Offensive Trade License under Salem City Municipal Corporation Act, 1994 u/Sections 360, 372 and 391 of Public Health Act, 1939 u/Section 34(9) in terms of which the petitioner has been carrying on business, was only for the period 03.10.2019 to 31.03.2020 and the said license has long expired.

4. That apart, he states at paragraph 4 as follows:

"....

4. I respectfully submit that it is just and necessary to obtain separate license for running business such as SPA, Massage Parlour and Beauty Parlour. As per the latest amendment made in Schedule IV of Coimbatore Municipal City Corporation Act, 1981, it is clearly stated that "No license shall be granted to Beauty Parlour, SPA and Massage Parlour, unless the applicant produces no objection certificates from Health Department of the Corporation and from such police officer as may be specified by the Commissioner." It is pertinent to state that the service rendered by the Petitioner is not been covered under the said Trade license issued by Salem Corporation. Therefore, the petitioner need to get separate license to run his business under the New Amendment Act. Till date, the petitioner had not approached



Salem Corporation to obtain license for his business."

5. Thus, the petitioner is required to comply with various stipulations as detailed in paragraph 4, extracted above, and for this purpose is permitted to move applications before the appropriate authorities. Mandamus of the nature sought for by the petitioner is not liable to be issued, in view of the fact that the petitioner is not in possession of the requisite licenses.

6. This Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sl/kbs

To

1. The Secretary to the State of Tamil Nadu,
Home Department, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Salem City,
Salem District.
3. The Inspector of Police,
Alagapuram Police Station,
Alagapuram,
Salem District.
4. The Commissioner,
Salem Corporation,
Salem.

+1cc to Mr.K.Venkatesan, Advocate, S.R.No.19123

+1cc to the Government Pleader, S.R.No.19164

W.P.No.34072 of 2019

SR-II(CO)

RLP(26/04/2022)