

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P.(MD) No.23839 of 2019
and
W.M.P.(MD) No.20460 of 2019**

Chidambaram

... Petitioner

/vs./

1.The Deputy Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Courtallam Police Station,
Tirunelveli District.

3.The Executive Officer,
Special Grade Town Panchayat,
Courtallam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent by his reference in Na.Ka.No.

328/2019/A1 dated 15.10.2019 and quash the same as illegal, consequently direct the 3rd respondent to grant license to the petitioner for running massage centre/spa at Saaral Resorts Pvt. Ltd., Shengottai Rd, Courtallam.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner wanted to run a massage centre/parlor. He applied to the 3rd respondent. By the impugned memorandum dated 15.10.219, the petitioner's request was rejected. The authority has cited the order passed in W.P.No.31941 of 2018 and etc dated 04.04.2019 in support of the rejection order. It is true that I had issued a direction to the Registry to place the papers before the Hon'ble Division Bench regarding the spa centre situated at Courtallam. The issue was whether the privacy of the customers can be violated by installing CCTV cameras inside spas.

3.The other reasons set out in the impugned order is that since the Government of Tamil Nadu has issued a general circular regarding grant of license to spa/massage centres, it is not possible to consider the petitioner's request. This ground is also not sustainable. The legislation relating to administration of the local bodies had been amended and it is for the competent authority to issue licence. The petitioner, of course, must obtain 'No Objection Certificate' from the jurisdictional police.

4.In this view of the matter, the impugned order is set aside and the matter is remitted back to the file of the 3rd respondent. The petitioner is directed to submit fresh application and subject to fulfilment of the other legal formalities, the 3rd respondent shall consider the same and pass final orders on merits and in accordance with law.

5.The writ petition is allowed on this terms. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No

26.08.2022

mm

G.R.SWAMINATHAN, J.

mm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Deputy Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Inspector of Police,
Courtallam Police Station,
Tirunelveli District.
- 3.The Executive Officer,
Special Grade Town Panchayat,
Courtallam,
Tirunelveli District.

W.P.(MD)No.23839 of 2019

W.P.(MD) No.23839 of 2019

26.08.2022