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W.P.No.14496 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14496 of 2023

R.Raja Sundar

...Petitioner

-Vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
District Police Office,
Near Collectorate,
Dharmapuri – 636 705.

2. The Inspector of Police,
B1 – Town Police Station,
Dharmapuri – 636 701.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying 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., ayurvedic business in the name and style of “Blooming Ayurvedic Spa” at 1st Floor, NH-7, By-pass road, Sogathur Panchayat, Dharmapuri Taluk, Dharmapuri district.

For Petitioner : Mr.M.Naveen

For Respondents : Mr.S.Santhosh

Government Advocate (Crl. Side)



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ORDER

This Writ Petition has been filed for direction to direct the respondent to issue no objection certificate to the petitioner to run a “SPA” i.e., ayurvedic business in the name and style of “Blooming Ayurvedic Spa” at 1st Floor, NH-7, By-pass road, Sogathur Panchayat, Dharmapuri Taluk, Dharmapuri district.

2. The contention of the petitioner is that the petitioner is running SPA business at 1st Floor, NH-7, By-pass road, Sogathur Panchayat, Dharmapuri Taluk, Dharmapuri district, and there is no illegal activities going on, without giving any room for complaint. The second respondent police entering the business constantly, who have no authority to inspect the premises or pressurize the petitioner to shut down the business. The Government issued Gazette Notification No.252, dated 16.07.2018 as amended Schedule VI of the Chennai City Municipal Corporation Act, for running a SPA Centre, licence be obtained from the authority, which is still pending with the authority. Hence, the petitioner applied for No Objection Certificate with the Inspector of Police and also to the Commissioner of Police, so far no action taken.



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3. The petitioner further submitted that the petitioner is carrying out Ayurvedic Kerala Traditional Treatment, for certain ailments including the nervous disorders. The petitioner had employed qualified and trained Therapist for applying Ayurvedic oil and they can very well identify the nerves, blood vessels and without damaging any part of the body they can apply simple pressure and there by the nervous system stimulated for free flow of blood. This Court by an order dated 31.07.2009 in C.S.No.241 of 2009 had held that the City Police has no legal right to prevent a health “SPA” from being run by any citizen of the country. Further directing the police not to interfere with the peaceful conduct of the business.

4. This Court 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. Further held that the police have no authority of law to shut down any business, which is being carried on like any other trade



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protected Under Article 19 of the Constitution of India.

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5. The learned Government Advocate (Crl. Side) appearing for the first respondent, on instructions, submitted that there is no proof for submission of the representation of the petitioner. If the petitioner has not obtained any "No Objection Certificate", the petitioner can be directed to approach the second respondent and the second respondent will consider the grant of "No Objection Certificate" to the petitioner.

6. Recording the submission of the learned Government Advocate (Crl. Side), this Writ Petition is disposed of with a direction to the petitioner to make a representation to the second respondent seeking for "No Objection Certificate" for running the business and the second respondent on receipt of the representation shall consider the same and issue "No Objection Certificate" if he satisfies all the requirements. In the event of "No Objection Certificate" is granted, the respondent police shall not, thereafter interfere with the business of the petitioner, until it is run in accordance with law.



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7. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
District Police Office,
Near Collectorate,
Dharmapuri – 636 705.
2. The Inspector of Police,
B1 – Town Police Station,
Dharmapuri – 636 701.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

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