



W.P.No.25961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.25961 of 2023
and W.M.P.No.25376 of 2023

M/s.S.K.Kerala Ayurvedic Massage Centre,
Rep. by its Proprietor R.Senkottuvel,
Door No.14-P, Nagappa Complex,
Salem Main Road, Dharmapuri Town,
Dharmapuri District-636701.

... Petitioner

Vs.

1.The Superintendent of Police,
Dharmapuri Taluk,
Dharmapuri District-636701

2.The Deputy Superintendent of Police,
Dharmapuri Taluk, Dharmapuri-636701

3.The Inspector of Police,
B-1 Police Station,
Dharmapuri District-636701.

4.The Municipality Commissioner,
Dharmapuri.
(R4 *suo motu* impleaded vide order of
this Court in W.P.No.25961 of 2023
dated 13.09.2023 by NSSJ)

... Respondents



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Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to consider the petitioner's representation dated 31.07.2023 and for bearing the respondents 1 to 3 or their men, agents from interfering with the peaceful conduct of business i.e. cross massage in the name and style of "S.K.Kerala Ayurvedic Massage Centre" at Nagappa Complex, Salem Main Road, Dharmapuri Taluk, Dharmapuri District-636 701.

For Petitioner : Mr.S.Chinnasamy

For Respondents : Mr.N.Muthuvel
Government Advocate (Crl.Side)
for R1 to R3

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner herein seeks a direction to the respondents to consider the representation of the petitioner to run an Ayurvedic Massage Centre or to state it differently an 'Ayurvedic Spa'.



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3.Mr.N.Muthuvel, the learned Government Advocate (Crl.Side) takes notice for the respondents 1 to 3, and made a statement that the petitioner ought to move the concerned local body for obtaining necessary license and the respondent police is not the licensing authority. He also circulated a copy of the closure report filed by the third respondent, wherein he has required the petitioner to approach the local body.

4.Heard Mr.S.Chinnasamy, the learned counsel appearing for the petitioner and Mr.N.Muthuvel, the learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3.

5.Without getting into the condition to be stipulated by the authority concerned, this Court underscores that fitting a CCTV camera inside the massage - room will be an invasion of privacy of the third parties. Hence, the CCTV camera may not be fixed inside the massage - room but suitably fixed outside the massage - room.

6.The petitioner is now required to approach the Municipality Commissioner, Dharmapuri for appropriate license for the purpose. The Municipality



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Commissioner, Dharmapuri is now *suo motu* impleaded as the fourth respondent.

The fourth respondent is required to dispose of the same within a period of eight (8) weeks from the date on which the petitioner presents its application for license to run the 'Ayurvedic Spa'.

7.The Registry is required to carry out necessary amendment in the cause title.

8. This Writ Petition stands disposed of accordingly with the above direction. No Costs. Consequently, the connected miscellaneous petition is closed.

13.09.2023

Anu

Index : Yes / No

Neutral citation : yes/no

To

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Dharmapuri Taluk,
Dharmapuri District-636701

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Dharmapuri Taluk, Dharmapuri-636701



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N.SESHASAYEE, J.
Anu

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