



W.P(MD)No.8758 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.8758 of 2023

R.Anandaraj

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thilakar Thidal Police Sttion,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue a no objection certificate (NOC) to the petitioner to run a 'SPA' in the name of HONEY DEW SPA CENTRE, 2nd floor, Multi Functional Complex, West Veli Street, Near Railway Junction, Madurai – 625 001 based on the representation dated 03.04.2023.

For Petitioner : M/s.K.Ramya

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing respondents to issue a no objection certificate (NOC) to the petitioner to run a 'SPA' in the name of HONEY DEW SPA CENTRE, 2nd floor, Multi Functional Complex, West Veli Street, Near Railway Junction, Madurai – 625 001 based on the representation dated 03.04.2023.

2.The facts in brief:

The petitioner is running a SPA in the name and style of HONEY DEW SPA CENTRE as mentioned in the petition and licence was duly granted by Commissioner, Madurai Corporation on 11.11.2022. He also applied for Registration of Ministry of Micro, Small and Medium Enterprises on 04.12.2021. Now after the amendment to the Madurai City Municipal Corporation, the petitioner has to get Trade License for running the business. He applied for the same. It was also conferred with ISO – 9001 : 2015 Certificate. The SPA is doing business in a lawful manner. No case has been registered so far. Now, he made a representation to the respondent on 03.04.2023 seeking No Objection Certificate. Since the above said representation was not properly



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considered for granting the No Objection Certificate, this petition has been filed.

3.Heard both sides.

4.Perusal of records shows that the Centre was registered with the Ministry of Micro, small and Medium Enterprises. Even though it has been stated in the petitioner that proper license has been obtained from the Municipal Corporation, Madurai, for running the above said SPA, no such licence has been produced. But the license that has been enclosed in the typed set of papers was issued under the Madurai Corporation Act, 1971. But, not under the above said Rules framed, which is, now made applicable to Madurai Corporation as pointed by the learned Additional Public Prosecutor. So proper licence must be obtained from the concerned authority.

5.When similar situation arose before this Court, in the case of ***Masti Health and Beauty Private Limited Vs. The Commissioner of Police, Chennai City***, reported in ***Manu/TN/3048/2014***, direction was issued by the Principal Seat to the concerned authorities to frame proper



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Rules for registering the SPAs, entertainment clubs, etc.,. In pursuance of the above said directions, the Madras City Corporation has formulated Rules. It was also published in the Tamil Nadu Government Gazette as “*GREATER CHENNAI CORPORATION, REVENUE DEPARTMENT, Inclusion of Beauty Parlour, SPA and Massage Parlours in Schedule – VI for Trade Licence (Under Section 373 of the Chennai City Municipal Corporation Act, 1919) (R.D.C.No.TL/7630/2013) No.SRO-C.2/2019*”. The learned Additional Public Prosecutor would submit that above said Rules applied throughout Tamil Nadu, wherever Municipal Corporations are functioning. In view of the above said Rules, it is the duty of the petitioner to get the SPA properly licences.

6.Let the petitioner file proper application before the concerned City Municipal Corporation, within a week from the date of receipt of a copy of this order. On such receipt of the application, the concerned authority shall consider the same and dispose of it on its own merits and in accordance with law, within a period of **fifteen days** from the date of receipt of the application from the petitioner.



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7. With the above said directions, this writ petition stands disposed

of. No costs.

05.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/ No

TM

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Thilakar Thidal Police Sttion,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

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Order made in
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