



W.P(MD)No.15072 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.15072 of 2023

Narmadha

... Petitioner

Vs.

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

2.The Inspector of Police,
Mattuthavani 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 herein to issue the No Objection Certificate in petitioner's favour by considering her representation dated 09.06.2023 for running her Blue Saloon and Spa at Sakthi Complex, Ulaganeri, Melur Main Road, Madurai District.

For Petitioner : Mr.M.Natarajan

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 herein to issue the No Objection Certificate in petitioner's favour by considering her representation dated 09.06.2023 for running her Blue Saloon and Spa at Sakthi Complex, Ulaganeri, Melur Main Road, Madurai District.

2.The facts in brief:

The petitioner is running a SPA in the name and style of Blue Saloon and as mentioned in the petition and licence was duly granted by Commissioner, Madurai Corporation. She also obtained Udyam Registration Certificate from Ministry of Micro, Small and Medium Enterprises on 31.05.2023. She has doing business in a lawful manner. No case has been registered so far. Now, she made a representation to the respondent on 09.06.2023 seeking No Objection Certificate. Since the above said representation was not properly considered for granting the No Objection Certificate, this petition has been filed.

3.Heard both sides.



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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 Permission has been obtained from the authorities, for running the above said SPA, no such permission has been produced. 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 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



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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.

7.With the above said directions, this writ petition stands disposed of. No costs.

27.06.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
TM

To

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



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2.The Inspector of Police,
Mattuthavani Police Sttion,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

TM

Order made in
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Dated :27.06.2023