



W.P(MD)No.23431 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.23431 of 2023

Olive Ayurvedic Centre,
By its Partner Avantika.L.,
W/o Logesh Kumar,
No.7/11, Maaster Plan Complex,
Vairam Complex, Near Theni Register Office,
Theni – 625 531.

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Theni Police Station,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from anyway interfering with peaceful conduct of petitioner's business at “OLIVE AYURVEDIC CENTRE”, at No.7/11, Master Plan Complex, Vairam Complex, Theni, based on the petitioner's representation dated 01.09.2023.



For Petitioner : Mr.Sidharthan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from anyway interfering with peaceful conduct of petitioner's business at “OLIVE AYURVEDIC CENTRE”, at No.7/11, Master Plan Complex, Vairam Complex, Theni, based on the petitioner's representation dated 01.09.2023.

2.The facts in brief:

The petitioner has established “OLIVE AYURVEDIC CENTRE” as mentioned in the petition and licence was duly granted by Theni, Allinagaram Municipality. He also obtained licence from Ministry of Micro, Small and Medium Enterprises. She doing the business in a lawful manner. No case has been registered so far. But, the respondent police often interfering with her business and made threat. Therefore, she made a representation to the respondent police on 01.09.2023 requesting not to interfere into her business activity. Since the above said



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representation was not properly considered and the respondents are disturbing her again and again, this petition has been filed.

3.Heard both sides.

4.Perusal of records shows that the So far no permission or licence has been obtained from the competent authorities for running the above said SPA. 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***



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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.

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

09.10.2023

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



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To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Theni Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

TM

Order made in
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Dated :09.10.2023