



W.P.(MD)No.28054 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.28054 of 2022
and W.M.P.(MD)No.22130 & 22131 of 2022

M.Sulthan

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Madurai.
- 2.The Commissioner,
Madurai Municipal Corporation,
Madurai.
- 3.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.
- 4.The City Health Officer,
Madurai Corporation,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the third respondent in C.No.V3/87/14076/2022 dated 10.11.2022 and quash the



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same and consequently directing the respondents to issue No Objection Certificate to the petitioner for “New REVERABALLI SPA” situated at Hotel LA VIVANDA, Melur Main Road, Madurai City.

For Petitioner : Mr.S.Ramasundarvijayaraj

For R1 & R3 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R2 & R4 : Mrs.S.Devasena

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the third respondent in C.No.V3/87/14076/2022 dated 10.11.2022 and quash the same and consequently directing the respondents to issue No Objection Certificate to the petitioner for “New REVERABALLI SPA” situated at Hotel LA VIVANDA, Melur Main Road, Madurai City.

2.The learned Additional Public Prosecutor appearing for the first and third respondent would submit that the third respondent after considering the representation of the petitioner and taking note of the



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fact that the petitioner had pleaded guilty under Section 75 MCP Act and was convicted to pay fine twice, has come to the conclusion that the petitioner is not entitled to get the No Objection Certificate.

3.The reason assigned by the third respondent is not a valid ground to reject the request for No Objection Certificate to run a spa. Except two cases under Section 75 MCP Act, the third respondent has not shown any other reason for rejection. Hence, this Court is of the view that the impugned order rejecting the petitioner's representation is not in accordance with law and the same is liable to be set aside. The third respondent is directed to consider the petitioner's representation and pass orders in accordance with law, within a period of one week from the date of receipt of a copy of this order.

4.With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

gns

To

- 1.The District Collector,
Office of the Collectorate,
Madurai.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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