



W.P(MD)No.26767 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.26767 of 2023

M/s. Elite Beauty SPA
Rep. by its Proprietor R.Kiruthiga, No.108,
Hotel Royal Park, 5840/41, Santhanapuram
4th Street, Pudukkottai - 622 001.

... Petitioner

Vs.

1.The District Superintendent Of Police,
District Police Office,
Pudukkottai - 622 001.

2.The Inspector of Police
Pudukkottai Town Police Station,
Pudukkottai - 622 001.

... 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 No Objection Certificate to the petitioner to run M/s.Elite Beauty SPA at No.108 of Hotel Royal Park, situated at No. 5840/41, Santhanapuram 4th Street, Pudukkottai District - 622 001.

For Petitioner : Mr.C.Karthikeyan

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



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ORDER

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The writ petitioner filed this Writ Petition seeking for issuance of Writ of Mandamus, directing the respondents to issue No Objection Certificate to the petitioner to run M/s.Elite Beauty SPA at No.108 of Hotel Royal Park, situated at No.5840/41, Santhanapuram 4th Street, Pudukkottai District - 622 001.

2.The facts in brief:

The petitioner is running a SPA in the name and style of M/s.Elite Beauty SPA CENTRE as mentioned in the petition. It was registered with Ministry of Micro, Small and Medium Enterprises. The SPA is doing business in a lawful manner. No case has been registered so far. Now, she made a representation to the respondent on 01.11.2023 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.

4.Perusal of records shows that the So far no permission or licence



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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 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.



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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.

09.11.2023

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

To

- 1.The District Superintendent Of Police,
District Police Office,
Pudukkottai - 622 001.
- 2.The Inspector of Police
Pudukkottai Town Police Station,
Pudukkottai - 622 001.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGO VAN, J

TM

Order made in
W.P(MD)No.26767 of 2023

Dated :09.11.2023