



W.P.No.15339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15339 of 2024

M/s.Harmony Wellness Spa,
Rep by its Proprietor
Mr.Surendran

...Petitioner

Vs

1. The Commissioner
Greater Chennai Corporation
Raja Muthiah Road,
Kannappar Thidal, Periyamet,
Chennai – 600 003.

2, The Zonal Officer,
Revenue Department,
Greater Chennai Corporation
Raja Muthiah Road,
Kannappar Thidal Periyamet
Chennai – 600 003.

3 The Zonal Assistant Health Officer,
Zone 08, Ward No.106,
Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to grant the trade license for M/s.Harmony Wellness Spa, situated at 28/144, Nelson Manickam Road, Aminjikarai, Chennai – 600 029 as per G.O.Ms.No.9 of



W.P.No.15339 of 2024

WEB COPY

For Petitioner : Mr.S. Abinaya
For Respondents : Mrs. P.T Ramadevi
Standing Counsel
for Chennai Corporation

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking a direction to the respondents to grant the trade license for M/s.Harmony Wellness Spa, situated at 28/144, Nelson Manickam Road, Aminjikarai, Chennai – 600 029 as per G.O.Ms.No.9 of 2019.

3. The case of the petitioner is that the petitioner has started the Spa center in Aminjikarai, Chennai, in the name and style of M/s.Harmony Wellness Spa. He further submitted that as per GO.Ms.09 of 2019, they have included the beauty parlour, spa and massage parlours in Schedule VI for the Trade License. As per the said G.O., he had applied for trade, fire and all other necessary licenses from the respondent and on 15.04.2024, fire license was issued by the Tamil Nadu Fire and



W.P.No.15339 of 2024

WEB COPY

Rescue Department to the petitioner spa after proper verification of the necessary documents and site visit. The infrastructure for the spa was ready for operation. A health spa, where cross gender massage is a world wide phenomenon, there is no legal prohibition. He further submitted that the trade license of the petitioner is kept pending without any reasons whatsoever. In the said spa, there are ample staffs of both male and female which is a unisex spa centre. As per Article 19 (1) (g), it is very clear that the citizens of India has each and every right as guaranteed in the constitution to practice any profession or to carry on any occupation, trade or business. Article 21 clearly embodies a constitutional value of supreme importance in a democratic society and it has been the most organic and progressive provision in our living constitution. The petitioner has invested a huge sum for the infrastructure facilities and have taken the place for rent by paying monthly rent to the tune of Rs.1,00,000/- every month to the landlord. For obtaining trade license, the petitioner has applied in the month of May, 2024 and the same was kept pending by the respondents for more than a month. Hence, this petition.

4. The learned counsel for the petitioner has submitted that the Trade license is necessary to run a spa, the petitioner has applied the



W.P.No.15339 of 2024

WEB COPY

same before the respondent by paying necessary charges. He further submitted that Fire Service License dated 15.04.2024 had also obtained from the Tamil Nadu Fire and Rescue Department. He has also obtained GST Registration Certificate dated 14.03.2024. The petitioner has applied for Trade license in the month of May, 2024 and the same was kept pending by the respondents for more than a month. Since the said license was not granted by the respondent, the petitioner seeks a direction to the respondents to grant trade license to the petitioner.

5. The learned counsel appearing for the respondent submitted that as per the claim made by the petitioner on application, the Inspector of Police, K3 police station, Aminjikarai, Chennai, has issued the No Objection Certificate dated 14.06.2024 and the Corporation has issued a letter dated 18.06.2024 in ZHO Gov. 8/HT/C1303/2024 wherein they have asked the petitioner to follow 21 guidelines.

6. The petitioner has submitted that they are following the said guidelines and ready to produce the necessary certificates before the officer concerned and trying to continue their efforts to obtain Building



W.P.No.15339 of 2024

WEB COPY

certificate and all other necessary documents which are necessary for running the same and they have to follow the Rules without any deviation.

7. Accordingly, this court directs the petitioner to approach the respondents herein with necessary documents claimed by them and the respondents to inspect and only on satisfaction that the petitioner would specifically follows the said guidelines issued, can consider the application. It is made clear that only after inspection and fulfilment of regulation, the trade license will be issued, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. If any violation is found or suppression, the respondent is at liberty to cancel the license.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Index:Yes/No
Speaking order/Non-speaking order
gv

27.06.2024



WEB COPY



W.P.No.15339 of 2024

V.BHAVANI SUBBAROYAN,J.

gv

To

1. The Commissioner
Greater Chennai Corporation
Raja Muthiah Road,
Kannappar Thidal, Periyamet,
Chennai – 600 003.

W.P.No.15339 of 2024

2, The Zonal Officer,
Revenue Department,
Greater Chennai Corporation
Raja Muthiah Road,
Kannappar Thidal Periyamet
Chennai – 600 003.

3 The Zonal Assistant Health Officer,
Zone 08, Ward No.106,
Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

27.06.2024