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W.P.No.28391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.28391 of 2024
& W.M.P.No.30958 of 2024

Senbagam

... Petitioner

-VS-

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

2. The Inspector of Police,
Namakkal Police Station,
Namakkal District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Mandamus to direct the 1st respondent to issue a No Objection Certificate to the petitioner to run a SPA i.e., cross relaxation massage in the name and style of "Krishna Ayurvedic & Spa" at Door No.38A, M.K.K.Plaza, Salem Road, Namakkal Taluk, Namakkal District, by passing orders on my representation dated 04.09.2024.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)



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ORDER

This Writ Petition is filed to consider the representation of the petitioner dated 04.09.2024 for grant of 'No Objection Certificate' to run a Spa in the name and style of 'Krishna Ayurvedic and Spa'.

2. The Learned Government Advocate (Crl.Side) for the respondents states that the application to grant 'No Objection Certificate' been received by the respondent police and the same will be considered if the petitioner provides all the necessary documents specified in the SOP issued by the Commissioner of Police and notification of the Commissioner of Chennai issued under Section 98A(1)(2) of the Chennai City Municipal Corporation Act, 1919, dated 27.02.2019.

3. The Commissioner of Chennai Corporation has issued a Notification No.SRO-C-2/2019, dated 27.02.2019, under Section 98 A(1)(2) of the Chennai City Municipal Corporation Act, 1919, which contains rules to regularize the Spa & Massage Parlour. The relevant portion is extracted below:-



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“Application for licence to run a Beauty Parlour, Spa or Massage Parlour in the limits of Chennai City should be submitted only after obtaining and production of “No objection certificates” from the Commissioner of Greater Chennai Police and concerned Zonal Asst. Health Officer of Greater Chennai Corporation.”

4. The Commission of Police has specified the following rules to regularize the Spa and Massage Parlour:-

1. Separate license for conducting massage / spa shall be granted by the Corporation / District authority imposing conditions for the regulation of such massage / Spa establishments.

2. Police Verification shall be part of the condition before granting license.

3. Conditions for granting license may include.

(a) The external doors of the Massage / Spa establishment to be kept open during the working hours.

(b) Minimum lighting facilities are provided in each room or enclosure where the massage services to be provided.

(c) The Massage services are not to be provided



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behind locked door.

4. Uniforms and identity Cards.

(a) The licensee should possess a degree offered by any of the recognized universities in.

(i) Physiotherapy (BPT) with 4 years duration and 6 months compulsory internship:

(ii) B.Sc., (Occupational Therapy).

(iii) M.Sc., (Occupational Therapy). or

(iv) Diploma in Physiotherapy with 3 years duration.

(b) The masseur / masseuse should possess a certificate in.

(v) Occupational therapy with one year duration offered by any of the recognized universities.

(vi) The masseur / masseuse should possess a certificate in.

(a) Acupressure therapy.

(b) Acupressure yoga science.

(c) Acupressure and Magneto therapy.

5. CCTV Cameras with recording facility at the entry and exit points without prejudice to the privacy of the clients and employees.

6. Prohibition of engaging in any form of sexual activity in the premises of the massage / spa establishment.



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7. Maintenance of register for clients.

8. Minimum qualification may be fixed for the licensee and employees.

9. Authorising the police officers to inspect the license, registers of the Massage / Spa establishments during the course of taking action based on information about the commission of offences committed by the licensee / employees violating other laws in force. 10. Closure of premises by the licensing authority on the report of the police officer in case of violation of conditions / commission of offences relating to other laws in force, especially the Immoral Traffic (Prevention) Act, 1956.

11. Opening of massage parlour / spa must be in between 9.00 Hrs – 21.00 Hrs.

5. This Court is of the view that if the petitioner produces all the necessary documents contain in the above mentioned notification to the respondent police, same may be considered and 'No objection certificate' be issued to the petitioner.



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6. With this observation, this Writ Petition is disposed of. No costs.

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Index : Yes/No.

Interest :Yes/No.

bsm

To:-

1. The Superintendent of Police, Namakkal, Namakkal District.
2. The Inspector of Police, Namakkal Police Station, Namakkal District.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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