



WP(MD) No.20216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **01.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.20216 of 2023

and

W.M.P.(MD).No.16689 of 2023

C.P.Binish

... Petitioner

/vs./

1.The Commissioner of Police,
Trichy, Trichy District.

2.The Inspector of Police,
Thillai Nagar Police Station,
Tennur, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first Respondent to issue No Objection Certificate to the Petitioner to run 'SPA' i.e., cross relaxation massage in the name and style of "TAAL SPA" at Door No.19/22, Shanmugar Residency, Hotel Shaans Annex, Thennur Main Road, Thennur, Trichy – 620 017, by passing orders on the Petitioner's representation dated 05.08.2023.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)



WP(MD) No.20216 of 2023

ORDER

WEB COPY This Writ Petition had been filed for Writ of Mandamus, seeking direction against the first 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 "TAAL SPA" at Door No.19/22, Shanmugar Residency, Hotel Shaans Annex, Thennur Main Road, Thennur, Trichy – 620 017, by passing orders on the Petitioner's representation dated 05.08.2023.

2. The learned Counsel for the Petitioner submits that the Petitioner had preferred a representation dated 05.08.2023 to the first Respondent. Till date, the Respondent Police have not acted upon. Therefore, the Petitioner seeks direction against the Respondents, to grant permission.

3. The learned Counsel for the Petitioner further submitted that pending Writ Petition, the Petitioner was informed by the Respondent Police that prior to getting No Objection Certificate, the Petitioner has to obtain license from the local body concerned, based on which the Petitioner had also given written undertaking to that effect.



WP(MD) No.20216 of 2023

4. The learned Government Advocate (Criminal Side) on instructions of the Respondents would submit that as per the amendment under Tamil Nadu Urban Local Bodies Rules, 2023, Rule 299, petition of this nature has to be sent to the Municipal Commissioner, who is to set up a Committee. The Petitioner has to file proper petition under Rule 299 of the above said Rule. He would further submit that the Petitioner without filing any such application before the Municipal Commissioner, straightaway approached this Court. Hence, he prays this Court to give direction to the Petitioner to file appropriate Petition as per Rule 299 of the Tamil Nadu Urban Local Bodies Rules, 2023.

5. In the light of the submission made by the learned Government Advocate (Criminal Side), the Petitioner is directed to file an application as per Rule 299 of the Tamil Nadu Urban Local Bodies Rules, 2023. On such Petition preferred by the Petitioner, the Authorities concerned are directed to dispose of the petition within a reasonable time, preferably within a period of two (2) months from the date of receipt of such petition.



WP(MD) No.20216 of 2023

6. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

01.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

- 1.The Commissioner of Police,
Tiruchirapalli,
Tiruchirapalli District – 620 023.
- 2.The Inspector of Police,
C-3, K.K.Nagar Police Station,
Tiruchirapalli District.



WEB COPY



WP(MD) No.20216 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.20216 of 2023

Dated:
01.03.2024