



W.P.(MD) No.29529 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.29529 of 2024

T.Rani

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Madurai.

2. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue a No Objection Certificate (NOC) to run a SPA in the name and style of Western Beauty Parlour and SPA at No.1, PTR Nagar, Theni Main Road, Madurai, based on the petitioner's representation dated 05.11.2024.

For Petitioner : Mr.S.Jaya Vasanthan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

The prayer in this writ petition is to direct the respondents to issue a No Objection Certificate (NOC) to run a SPA in the name and style of Western Beauty Parlour and SPA at No.1, PTR Nagar, Theni Main Road, Madurai, based on the petitioner's representation dated 05.11.2024.

2.The learned counsel appearing for the petitioner submitted that the petitioner is running a beauty parlour in the name and style of Western Beauty Parlour and Saloon at PTR Nagar, Theni Main Road, Madurai. Whiles, she wanted to extend her parlour into SPA, and so he entered into a lease agreement with the respective landlord on 30.10.2024. Thereafter, she applied for a registration certificate from the Ministry of Micro, Small and Medium Enterprises, and the same came to be registered as UDYAM-TN-12-0131989, she have completed a proper massage therapist course for running a SPA, and have hired employees who have proper certificates. As such, on 05.11.2024, the petitioner made a representation to the respondents stating all the averments requesting them to issue a No Objection Certificate (NOC) to run her business. Since, the same was not considered by the respondent, the present writ petition came to be filed.



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3.The learned Additional Public Prosecutor, on instructions, would submit that there are no previous cases as against the petitioner's therapy Centre.

4.This Court on an earlier occasion had elaborately discussed about the similar subject and passed order dated 09.12.2014 in W.P.Nos.24629/2014 etc., batch reported in **2015[1]MLJ 308** in the case of ***Masti Health and Beauty Private Limited Vs. Commissioner of Police , Chennai***. It is relevant to extract paragraph 66 & 67 of the above said order which reads as follows:-

“66.Therefore, if the respondents wish to regulate the business/profession of health centres, massage parlours and spas, they must take recourse either to the enactment of a legislation or to the issue of rules/by-laws in exercise of the power conferred by the respective enactments to make subordinate legislation.

67.In the light of the above, all the writ petitions are disposed of to the following effect:-

[I] In specific cases, where the police have reasonable grounds to believe that an offence punishable under the Immoral Traffic [Prevention] Act, has been or is being



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committed, it is open to the police to take action, after scrupulously following all the steps indicated in Section 15 of the said Act. The steps to be followed are narrated by me in paragraph 28 above; and [iii] Based upon the laws enacted in various States of the United States of America and Singapore, which I have dealt with in paragraphs 39 to 54, the respondents may take appropriate steps for bringing in either a new legislation or a sub ordinate legislation in terms of the provisions of the Chennai City Municipal Corporation Act or the Chennai City Police Act, so that public order, decency and morality, which can form the basis for a regulatory law under Article 19(2) of the Constitution are taken care of. The Government shall file a report on or before 31.03.2015, before this Court, about the decision taken. No costs. Consequently all connected pending MPs are closed.”.

5. In the light of the said order, this Court is inclined to direct the respondents to comply with the directions/conditions imposed in paragraph. 67 of the said order as extracted above. It is also made clear that the petitioner under the guise of carrying on business activity shall not indulge in any unlawful or illegal activities detrimental to law and order or public order. It is further made clear that this order will not prohibit the respondents/authorities concerned from interfering in the petitioner's business activities, if there is any violation on the part of the petitioner.



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

09.12.2024

Index : Yes/No

Internet : Yes

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To:

1. The Deputy Superintendent of Police,
Madurai.
2. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M. NIRMAL KUMAR,J.,

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