



W.P.(MD)No.29330 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.29330 of 2024

M.Selva Meenakshi

... Petitioner

Vs.

1.The Superintendent of Police,
Palayamkottai,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India seeking for Writ of Mandamus to direct the second respondent to issue NO Objection Certificate and pursuant to the same further directions may be issued to the first respondent to grant Trade License in favour of the petitioner to run the business of Massage SPA, including the service of cross massage in the name and style of “ Hevan Beauty Parlor and Spa at Ground Plaza, 1st Floor, Door No.7/18/2A, Tiruvanathapuram Road, Tirunelveli District by considering the petitioner's representation dated 25.11.2024 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Sheik Mohammed



WEB COPY



W.P.(MD)No.29330 of 2024

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The prayer in this writ petition is to direct the respondents to permit the petitioner's Massage SPA including the service of cross massage in the name and style of “Hevan Beauty Parlor and Spa to open and run in the premises at Ground Plaza, 1st Floor, Door No.7/18/2A, Tiruvanathapuram Road, Tirunelveli District on the basis of her representation dated 25.11.2024

2.The learned counsel appearing for the petitioner submitted that the petitioner is running Massage Center in the name and style of Hevan Beauty Parlor and Spa at Ground Plaza, 1st Floor, Door No.7/18/2A, Tiruvanathapuram Road, Tirunelveli District. To run the SPA, the petitioner have obtained permission from MSME in Certificate No.TN 180067009 and also have ISO certificate. The petitioner also not involved any criminal offence as per police records. It is grievance of the petitioner that he applied NOC to the respondent police on 25.11.2024, but the same has not been considered so far. Hence, the present petition.



W.P.(MD)No.29330 of 2024

WEB COPY

3.The learned Government Advocate (Crl.side), on instructions, would submit that there are no previous cases as against the petitioner's 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



W.P.(MD)No.29330 of 2024

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



W.P.(MD)No.29330 of 2024

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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

06.12.2024

NCC : Yes / No

Index : Yes / No

Rmk

To

1.The Superintendent of Police,
Palayamkottai,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.29330 of 2024

M.NIRMAL KUMAR, J.

Rmk

Order made in
W.P.(MD)No.29330 of 2024

Dated: 06.12.2024