



WEB COPY



W.P.No. 13074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13074 of 2025 and
W.M.P.No.14592 of 2025

Asha M.S.

... Petitioner

Vs.

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

2.The Inspector of Police,
Annur Police Station,
Coimbatore District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing 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 “Kerala Ayurveda Spa” at Door No.1/183/84, SSK Tower, Annur Taluk, Coimbatore District – 641 107, by passing orders on petitioner’s representation dated 19.03.2025.

For Petitioner : Mr.N.Edwin Jayakumar

For Respondents : Mr.R.Vinothraja,
Government Advocate (crl.side)



W.P.No. 13074 of 2025

WEB COPY

ORDER

This petition has been filed seeking a direction to the first respondent to issue a No Objection Certificate (NOC) to the petitioner for operating a SPA, namely “Kerala Ayurveda SPA”, providing cross relaxation massage services, situated at Door No. 1/183/84, SSK Tower, Annur Taluk, Coimbatore District – 641 107, by considering her representation dated 19.03.2025.

2. Heard both sides and perused the materials placed on record.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that an FIR has already been registered as against the petitioner’s SPA in Crime No. 86 of 2025 under the provisions of the Immoral Traffic (Prevention) Act, and the same is pending for investigation.

4. In response, the learned counsel for the petitioner submitted that the FIR pertains to events prior to the petitioner acquiring the SPA

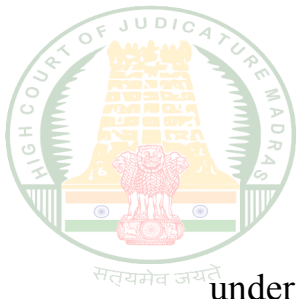


W.P.No. 13074 of 2025

WEB COPY

business. It is contended that the petitioner is the new owner and the alleged acts do not relate to her or her period of ownership. Based on this, the petitioner seeks a No Objection Certificate in her name for lawful operation of the SPA.

5. This Court has carefully considered the submissions made on both sides and examined the factual background. It is evident that an FIR has been registered as against the very same SPA, namely, Kerala Ayurveda SPA, for the alleged offence under the Immoral Traffic (Prevention) Act. The nature of the offence involves serious allegations affecting public morality and law and order, and the investigation is ongoing. Though the petitioner claims to have subsequently acquired the SPA and was not involved in the prior acts, it cannot be overlooked that the SPA continues to function under the same name and premises, thereby raising concerns about continuity in ownership, staff, and operations. The petitioner's assertion that she is unrelated to the prior acts cannot be verified at this stage, particularly when investigation is in progress. The issuance of an NOC at this stage, while the premises is



W.P.No. 13074 of 2025

WEB COPY

under the shadow of serious criminal allegations, would amount to premature administrative clearance and may interfere with the course of the criminal investigation.

6. It is also well settled that a writ of mandamus cannot be issued to compel a public authority to act in a manner that may run counter to ongoing legal proceedings or to endorse an establishment under investigation for serious statutory violations. In such circumstances, this Court finds no merit in entertaining the present writ petition, and is of the considered view that the petitioner's request for an NOC is untenable at this stage.

7. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

09.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



W.P.No. 13074 of 2025

WEB COPY

To

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

2.The Inspector of Police,
Annur Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No. 13074 of 2025

G.K.ILANTHIRAIYAN, J.

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