



W.P.No.38327 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.38327 of 2024

and

W.M.P.No.41495 of 2024

A.P.Geetha Priya,
Partner M/s.Sangamitra,
D/o.Palanisamy,
No.9/56, Sheela Nagar 2nd Street,
Puzhithivakkam, Madipakkam,
Chennai – 600 091.

...Petitioner

-Vs-

1.Greater Chennai Corporation,
Rep by its Commissioner,
Ripon Buildings,
Chennai – 600 003.

2.The Zonal Officer,
Zone X,
Greater Chennai Corporation,
No.117, N.S.K.Salai,
Kodambakkam,
Chennai – 600 024.

3.The District Officer,
Fire and Rescue Services,
Chennai South District,
Ashok Pillar Main Road,
Jaffarkhanpet, Ashok Nagar,
Chennai – 600 083.



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4.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai – 600 007.

5.The Inspector of Police,
R-7, K.K.Nagar Police Station,
K.K. Nagar, Chennai – 600 083.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to grant trade licence for running a SPA under the name and style of HASTA SPA & BEAUTY SALON measuring an extent of 2401 sq.feet of carpet area on the 2nd floor of the building bearing No.3, Lambert Nagar, Arcot Road, Virugambakkam, Chennai – 600 092 along with 230 sq. feet of open parking space on the ground floor at the front side of the entrance for running a business to the petitioner by directing respondents 4 and 5 to issue No Objection Certificate pursuant to the application of the petitioner dated 14.02.2024 and pass such further orders.

For Petitioner	:	Mr.A.Saravanan
For R1 & R2	:	M/s.P.T.Ramadevi Standing Counsel
For R3	:	Mrs.R.L.Karthika, Government Advocate
For R4 & R5	:	Mr.R.Kishore Kumar, Government Advocate



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ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to grant a trade licence for running a SPA under the name and style of HASTA SPA & BEAUTY SALON measuring an extent of 2401 sq. feet of carpet area on the 2nd floor of the building bearing No.3, Lambert Nagar, Arcot Road, Virugambakkam, Chennai – 600 092 along with 230 sq. feet of open parking space on the ground floor at the front side of the entrance for running a business to the petitioner by directing respondents 4 and 5 to issue a No Objection Certificate pursuant to the application of the petitioner dated 14.02.2024.

2. The petitioner, Kanaka Sivaraman and Sivaraman Santhalingam are the partners of the M/s.SANGAMITRA under a Deed of Partnership dated 01.10.2022 and as the Managing Partner of the said firm the said Kanaka Sivaraman entered into a lease agreement dated 21.01.2023 with one Mr.N.Thenraj, the owner of the premises measuring an extent of 2401 sq. feet of carpet area on the 2nd floor of the building bearing No.3, Lambert Nagar, Arcot Road, Virugambakkam, Chennai 600 092, along with 230 sq.



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feet of open parking space on the ground floor at the front side of the entrance for running a business under the brand name HASTA SPA & BEAUTY SALON for a period of 11 months commencing from 01.02.2023 to 31.12.2023 on a monthly rent of Rs.81,000/- and the Managing Partner of the said firm has also paid a sum of Rs.7,00,000/- towards advance to the owner of the above said premises and the rental agreement was subsequently renewed from time to time.

3. Learned counsel appearing for the petitioner would submit that after entering into a lease agreement with the owner of the said premises, in her capacity as the Partner of the firm M/s.Sangamitra, the petitioner applied for a trade licence to the 1st respondent on 14.02.2024, enclosing the lease agreement dated 21.01.2023, no objection letter issued by the owner of the premises dated 21.10.2023 and also the licence granted by the 3rd respondent in Licence No.3444/A2/2023 dated 30.03.2023 for running a SPA measuring an extent of 2401 sq. feet of carpet area on the 2nd floor of the building bearing No.3, Lambert Nagar, Arcot Road, Virugambakkam, Chennai 600 092, along with 230 sq. feet of open parking space on the ground floor at the front side of the entrance for running a business under the brand name



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HASTA SPA & BEAUTY SALON detailing all the specifications with regard to the building and the details of each room, business hours of the SPA, details of partners and the names of the staff to run the above said SPA and in spite of several requests made to the 1st Respondent the petitioner was not issued with a licence to run the SPA.

4. Learned counsel would further submit that the petitioner's application for grant of a trade licence for massage parlour and Beauty Parlour with partition/bathing facility was not granted by the 1st respondent and prior to that she also paid profession tax for running the above said business to the 1st respondent on 22.02.2023, and the partnership firm was also assigned a profession tax new assessment number PTNAN 10-128-IN-043658 by the 1st Respondent.

5. As per the amended provision of the Chennai City Municipal Corporation Act, 1919, which has been amended with effect from 06.07.2018, Schedule V of the Act requires a licence for running a Haircut Saloon, Beauty Parlour, Spa or Massage Parlour. The relevant portion of the Amended Act reads as follows:-



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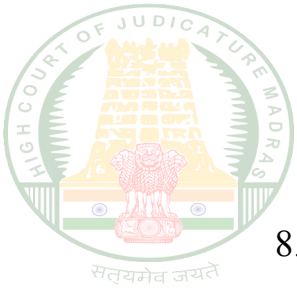
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i) Beauty Parlour, spa or massage parlour, with partition or room or sauna or bathing facilities

Provided that no licence shall be granted unless the applicant produces no objection certificate from such Health Officer and Police Officer as may be specified by the Executive Authority.

6. In view of the above provisions, the petitioner applied for a trade licence to run the SPA under the name and style HASTA SPA & BEAUTY SALON for massage parlour and Beauty Parlour with partition/bathing facility detailing all the specifications with regard to her educational qualification, the building and the details of each room, business hours of the SPA, details of partners, and the names of the staff to grant No Objection Certificate to run the above said SPA and in spite of several requests made to the 1st Respondent, the petitioner was not issued with the trade licence by the 1st respondent to run the SPA. Hence, the writ petition is filed.

7. It is further submitted that the petitioner has applied for issuance of No Objection Certificate, and the same was denied by respondents 4 and 5 on the ground that there is no parking facility. Learned counsel further submitted the petitioner is ready to provide a parking facility within a period of four weeks.



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8. Learned Government Advocate appearing for respondents 4 and 5

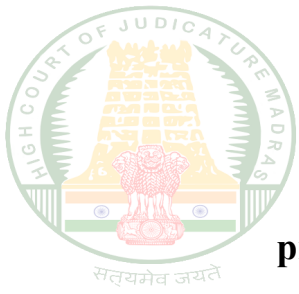
would submit that since the parking facility was not given, respondents 4 and 5 were not in a position to give a No Objection Certificate as required for issuance of the licence by the 1st respondent.

9. Learned Government Advocate would further submit that once the No Objection Certificate is given by respondents 4 and 5 based on the No Objection Certificate, the 1st respondent will issue the trade licence to run the SPA.

10. Heard both sides and perused the materials available on record.

11. In view of the above facts and circumstances of the case, this Court is inclined to pass the following directions:

- a) The petitioner is directed to provide a parking facility along with relevant documents within a period of four weeks from the date of receipt of a copy of this order.**
- b) On receipt of the same, respondents 4 and 5 shall consider issuing the No Objection Certificate based on the parking facility**



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provided by the petitioner along the documents submitted by the petitioner within a period of four weeks.

- c) On receipt of the same, the 5th respondent shall conduct an inspection of the site, and thereafter, by taking into consideration all the documents submitted by the petitioner, the 5th respondent shall decide regarding the issuance of No Objection Certificate.
- d) On receipt of the No Objection Certificate from the 5th respondent by the petitioner, the petitioner shall submit the same to the 1st respondent and he shall issue the licence to the SPA run by the petitioner.

In the result, the writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking/Non Speaking order



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