



W.P.(MD)No.1698 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.1698 of 2025

Govindaraj

.. Petitioner

Vs

1. The Commissioner of Police
O/o Commissioner of Police
Trichy City, Trichy

2. The Inspector of Police (Law and Order)
Thillai Nagar Police Station
Thillai Nagar, Trichy City
Trichy

....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to issue a No Objection Certificate to the petitioner to run a Ayurvedhic Massage Centre in the name and style of Himalaya Unisex Arurvedha Massage Centre running business at No.1/24, 1st city C-17, No.Portion-B, Thillai Nagar West, 3rd Cross Tiruchy city, Tiruchy on the bases of petitioner's representation dated 13.01.2025



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For Petitioner : Mr.D.Karthikraja
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the second respondent to issue a No Objection Certificate to the petitioner to run a Ayurvedhic Massage Centre in the name and style of Himalaya Unisex Arurvedha Massage Centre running business at No.1/24, 1st city C-17, No.Portion-B, Thillai Nagar West, 3rd Cross Tiruchy city, Tiruchy on the bases of petitioner's representation dated 13.01.2025

2. The learned Additional Public Prosecutor appearing for the respondents on instructions submitted that the petitioner is running Himalaya Unisex Arurvedha Massage Centre and the police are under the impression that already No Objection Certificate was given by the police.

3.This Court on an earlier occasion had elaborately discussed about the similar subject and passed order dated 09.12.2014 in W.P.Nos.



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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 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



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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.”.

4. 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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5.Recording the submission of the learned Additional Public Prosecutor,this Writ Petition stands disposed of with the direction to the petitioner to make representation to the second respondent seeking 'No Objection Certificate' for running his business and the second respondent on receipt of the representation shall consider the same and issue 'No Objection Certificate' if he satisfies all the requirements. In the event of 'No Objection Certificate is granted the respondent police shall not thereafter interfere with the business of the petitioner until it is running in accordance with law. No costs.

23.01.2025

Index: Yes/No

Internet : Yes/No

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To

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O/o Commissioner of Police
Trichy City, Trichy
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Thillai Nagar Police Station
Thillai Nagar, Trichy City
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Madurai Bench of Madras High Court
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M.NIRMAL KUMAR, J.

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