



W.P.(MD)Nos.2043 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

W.P.(MD)No.2043 of 2025
and
W.M.P.(MD)No.1445 of 2025

S.Selvakumar

Vs.

... Petitioner

1. The District Collector,
Tenkasi District.
2. The Superintendent of Police,
Tenkasi District.
3. The Deputy Superintendent Of Police,
Tenkasi Division, Tenkasi District.
4. The Block Development Officer (Village Panchayat),
Tenkasi Panchayat Union,
Tenkasi Block,
Tenkasi District.
5. The Special Officer / BDO,
Ayiraperi Village Panchayat,
Ayiraperi Village,
Tenkasi Taluk.



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6. The Inspector of Police,
Coutrallam Police Station,
Tenkasi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the 2nd, 3rd and 6th respondents from preventing or obstructing the petitioner from operating his SPA business in his Resort (Green Garden Resort, Aayiraperi Village, Tenkasi Taluk, Tenkasi District) except following the due process of law.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.M.Senthil Ayyanar (R1 & R5)
Government Advocate
Mr.M.Sakthi Kumar (R2, R3 & R6)
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to forbear the 2nd, 3rd and 6th respondents from preventing or obstructing the petitioner from operating his SPA business in his Resort (Green Garden Resort, Aayiraperi Village, Tenkasi Taluk, Tenkasi District) except following the due process of law.



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WEB COPY 2. Heard the learned counsel on either side and perused the records placed before this Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the lease holder of the land in S.No.313/2B, measuring to an extent of 30 cents, situated at Aairaperi Village, Tenkasi Taluk, Tenkasi District and he is running hotel business namely Green Garden Resort, which includes Health and Wellness SPA at S.No.2/327C, Shenbagadevi Street, Old Courtallam, Aayiraperi Village, Tenkasi District. He also obtained necessary registration certificates as required under law and the fifth respondent has also issued no objection certificate for operation of the said SPA vide proceedings dated 10.02.2018 and he also got licence from the Tahsildar, Tenkasi, through the proceedings dated 18.10.2023. The Public Health Department also issued the stability certificate dated 18.10.2024 and hence, the petitioner is running the said SPA in accordance with law. While so, the sixth respondent frequently interfered with the business of the petitioner and orally instructed the petitioner to close the said SPA. Hence, the petitioner filed this petition with the aforesaid prayer.



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4. The learned Government Advocate appearing for the first and fifth respondents would submit that the petitioner has already obtained appropriate licence from the local body and that if there is any deviation in running the said SPA, the first respondent will take appropriate action in accordance with law.

5. The learned Government Advocate appearing for the respondents 2, 3 and 6 would submit that the respondents have not interfered with the hotel business. But, at the same time, without proper permission, the petitioner is conducting the said SPA and hence, the respondents instructed the petitioner orally to close the said SPA. He would further submit that if there is any deviation in running the said SPA, the respondents will take appropriate action in accordance with law.

6. Considering the limited scope of the relief sought for in this writ petition and also recording the submission made by the learned Government Advocate appearing for the respondents that if there is any deviation in running the said SPA, the respondents will take appropriate action in accordance with



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WEB COPY law, this writ petition is closed. It is made clear that if there is any deviation in running the said SPA, the respondents will take appropriate action in accordance with law, only after issuing notice to the petitioner herein. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2025

Neutral Citation: Yes / No
Index : Yes / No
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TO:-

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Tenkasi Division, Tenkasi District.
4. The Block Development Officer (Village Panchayat),
Tenkasi Panchayat Union,
Tenkasi Block,
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5. The Special Officer / BDO,
Ayiraperi Village Panchayat,
Ayiraperi Village,
Tenkasi Taluk.
6. The Inspector of Police,
Coutrallam Police Station,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.2043 of 2025

Dated:
21.02.2025