

W.P(MD) No.2234 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.2234 of 2025

D. Prathap Sunder Singh

... Petitioner

Vs

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Inspector of Police,
D1 Thallakulam Police Station, (Law and Order),
Madurai.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the 2nd respondent to issue No Objection Certificate and pursuant to the same further directions may be issued to the 1st respondent to Renewal Trade License in favour of the petitioner to run the business of Massage Parlor SPA, including the service of cross massage in the name and style of SRI DHARIYAM AYURVEDA, and Spa at Ground Plaza, No.248/1, Sri Dheiveni Complex, Natham Main Road, Iyer Bungalow, Madurai by considering the petitioner's representation, dated 07.01.2025 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Shiek Mohamed

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



W.P(MD) No.2234 of 2025

WEB COPY

ORDER

The prayer in this writ petition is to direct the directing the 2nd respondent to issue No Objection Certificate and pursuant to the same further directions may be issued to the 1st respondent to Renewal Trade License in favour of the petitioner to run the business of Massage Parlour SPA, including the service of cross massage in the name and style of Sri Dhariyam Ayurveda and Spa at Ground Plaza, No.248/1, Sri Dheiveni Complex, Natham Main Road, Iyer Bungalow, Madurai by considering the petitioner's representation, dated 07.01.2025.

2.The learned counsel appearing for the petitioner submitted that the petitioner is running a wellness centre in the name of Sri Dhariyam Ayurveda and Spa for the past 10 years. He has got MSME Certificate. ISO Certificate and Trade License to run the centre. However, the petitioner has sought for no-objection to run the centre and sent a representation in this regard, which was not considered by the respondents. Hence, he has filed the present petition.

3.The learned Additional Public Prosecutor, on instructions, would submit that there are no previous cases as against the petitioner's Centre.



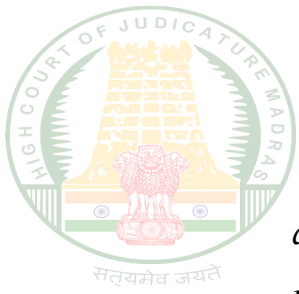
WEB COPY

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 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



WEB COPY



W.P(MD) No.2234 of 2025

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 hereby direct the 2nd respondent to comply with the directions/conditions imposed in paragraph. 67 of the said order as extracted above, on such compliance, 2nd respondent is directed to consider the petitioner's representation, dated 07.01.2025 within a period of four weeks from the date of receipt of copy of this order. 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.



W.P(MD) No.2234 of 2025

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

WEB COPY

28.01.2025

Index : Yes/No
Internet : Yes
PNM

To:

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Inspector of Police,
D1 Thallakulam Police Station, (Law and Order),
Madurai.

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



WEB COPY



W.P(MD) No.2234 of 2025

M. NIRMAL KUMAR,J.,

PNM

W.P.(MD).No.2234 of 2025

28.01.2025