



W.P.(MD)No.2396 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM:

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

W.P.(MD)No.2396 of 2025

and

WMP(MD) No.1690 of 2025

K.S.Manish

.. Petitioner

Vs

1. The Deputy Superintendent of Police
Kodaikanal, Dindigul District

2. The Inspector of Police
S1Kodaikanal Police Station
Dindigul District

....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a 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 Rajkumar Home Stay at Rajkumar Home Stay Door No. 1/1321, Observatory Main Road, Dindigul District by passing orders on the petitioner's representation dated 09.01.2025

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to direct 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 Rajkumar Home Stay at Rajkumar Home Stay Door No. 1/1321, Observatory Main Road, Dindigul District by passing orders on the petitioner's representation dated 09.01.2025

2. The learned Additional Public Prosecutor appearing for the respondents on instructions submitted that the petitioner is running SPA i.e cross relaxation massage in the name and style of Rajkumar Home Stay at Rajkumar Home Stay Door No. 1/1321, Observatory Main Road, Dindigul District 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. 24629/2014 etc., batch reported in **2015[1]MLJ 308** in the case of *Masti*



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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 legislation or a sub ordinate legislation in terms of the



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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.

5. Recording the submission of the learned Additional Public Prosecutor, this Writ Petition stands disposed of with the direction to the



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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.

29.01.2025

Index: Yes/No

Internet : Yes/No

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To

1. The Deputy Superintendent of Police
Kodaikanal, Dindigul District
2. The Inspector of Police
S1Kodaikanal Police Station
Dindigul District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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