



W.P(MD) No.2618 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.2618 of 2025

R.Musthafa

... Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur,
Thanjavur District.

2. The Inspector of Police,
(Law and Order) Medical Collage Police Station,
Thanjavur Medical Collage,
Thanjavur
Thanjavur District.

... 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 a no objection certificate to the Petitioner to run a Ayurvedhic Massage Centre in the name and style of Hebel Unisex Arurvedha Massage Centre, running business at plot NO.22 South 1st floor, Thiruvalluvar Nagar, No.1 Vallammain Road, Neelagiri South Thottam, Thanjavur on the basis of the representation dated 24.01.2025.

For Petitioner : Mr.M.Vasantham

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



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ORDER

The prayer in this writ petition is filed to direct the 2nd respondent to issue a no objection certificate to the Petitioner to run a Ayurvedhic Massage Centre in the name and style of Hebel Unisex Arurvedha Massage Centre, running business at plot NO.22 South 1st floor, Thiruvalluvar Nagar, No.1 Vallammain Road, Neelagiri South Thottam, Thanjavur.

2.The learned counsel appearing for the petitioner submitted that the petitioner is running a wellness centre in the name of Hebel Unisex Arurvedha Massage Centre after getting relevant licenses from the competent authorities. 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.

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 a new legislation or a subordinate 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



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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 24.01.2025 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.

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

30.01.2025

Index : Yes/No
Internet : Yes
PNM



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To:

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Thanjavur District.
2. The Inspector of Police,
(Law and Order) Medical Collage Police Station,
Thanjavur Medical Collage,
Thanjavur
Thanjavur District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M. NIRMAL KUMAR,J.,

PNM

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