



W.P.(MD)No.31451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.01.2025

CORAM:

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

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S.Shamim Asha

.. Petitioner

Vs

1. The Superintendent of Police
Office of the Superintendent of Police
Madurai District

2. The Inspector of Police
Alanganallur Police Station
Madurai City

....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to issue the No Objection Certificate in the petitioner's favour by considering the representation dated 09.12.2024 for running his Glow Saloon and SPA situated at Plot No.13, Kovilpappakudi, Madurai District

For Petitioner : Ms. Indrani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to direct the respondents herein to issue the No Objection Certificate in the petitioner's favour by considering the representation dated 09.12.2024 for running his Glow Saloon and SPA situated at Plot No.13, Kovilpappakudi, Madurai District

2. The learned Additional Public Prosecutor appearing for the respondents on instructions submitted that the petitioner is already is running a SPA in the name of Glow Saloon and SPA 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 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:-



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“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 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



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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 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



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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.

03.01.2025

Index: Yes/No
Internet : Yes/No
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To

1. The Superintendent of Police
Office of the Superintendent of Police
Madurai District
2. The Inspector of Police
Alanganallur Police Station
Madurai City
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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