

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.31106 of 2017 and
W.M.P.No.34108 of 2017

K.Mohan

...Petitioner

-Vs-

The Commissioner of Police,
Greater Chennai Police,
Vadapalani,
Chennai-7

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified mandamus, to call for the records pertaining to the respondent proceedings in Rc.No.10/0047/E2(1)/2017 dated 15.11.2017 and quash the same as illegal and incompetent and ultravires and consequentially direct the respondent to renew the license for petitioner's Gym by name M/s.Sri Shapers Gym, No.22, Alagiri Nagar, First Street, Vadapalani, Chennai-600 026.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.C.Raghavan,
Government Advocate(Crl side)

ORDER

The writ petition has been filed to quash the proceedings in Rc.No.10/0047/E2(1)/2017 dated 15.11.2017 and to direct the respondent to renew the license for the petitioner's Gym.

2. The learned Additional Public Prosecutor would submit the petitioner, who is running a Gym, is an accused in Crime No.365 of 2015 registered for the alleged offence under Section 294(b), 306, 506(i) of I.P.C. & Section 4 of TNPWH Act. In the above case, charge sheet was laid and it has been taken cognizance of in S.C.No.267 of 2016 on the file of the Fast Track Mahila Court at Thiruvallur. As such in view of the pending of the above criminal case, the respondent has rejected his application for renewal of license for his Gym.

3. On perusal of records it is seen that the crime was committed only in the petitioner's home and not in the Gym by the petitioner. Therefore, there is no reason to reject his application for renewal of license for his Gym. Considering the facts and circumstances of the case, the impugned order dated 15.11.2017 is set aside. The petitioner is directed to file a fresh application before the respondent, and on receipt of the same the respondent is directed to consider the said application positively and pass orders within a period of two weeks from the date of receipt of a copy of this Order.

4. With the above direction, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

lok

To

1. The Commissioner of Police,
Greater Chennai Police,
Vadapalani,
Chennai-7.

2. The Government Advocate (Crl.side)
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate Sr.36980

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W.P.No.31106 of 2017

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srg 29/05/2019