

W.P.(MD)No.920 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.920 of 2025

K.Jeyachandran

... Petitioner

Vs.

1.The Commissioner of Corporation,
Madurai District,
Madurai.

2.The Assistant Commissioner of Corporation,
Zone – 3,
Madurai District,
Madurai.

3.The Zonal Sanitary Officer,
Zone – 3, Madurai Corporation,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.M3C1/L1/013845/2024, dated 10.12.2024 and quash the same as illegal and consequently direct the second respondent to issue LICENCE to run a gym in the name of “Gorilla”, after getting undertaking affidavit from the petitioner as per the provisions of law.

For Petitioner	: Mr.G.Thalaimutharasu
	For Ms.Priscilla Jancy
For Respondents	: Mr.K.Siva Balan
	Standing Counsel



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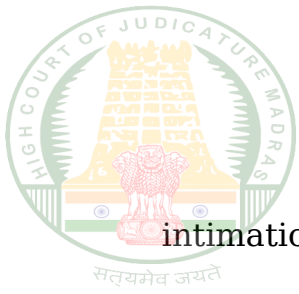
ORDER

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Challenging the order passed by the second respondent, dated 10.12.2024, this Writ Petition is filed.

2.Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents and carefully perused the entire materials available on record.

3.Pursuant to the order passed by this Court in W.P.(MD)No.25831 of 2024, dated 28.10.2024, it appears that this Court passed an order in aforesaid Writ Petition, directing the second respondent to consider the petitioner's application for conduct of gym in the name and style of 'Gorilla' and issue no objection certificate, if qualified. In the said exercise, the second respondent making an observation that the petitioner filed an application in terms of order passed by this Court in W.P.(MD)No.25831 of 2024, for grant of no objection certificate for conduct of gym with appropriate documents, further recorded the fact that notice dated 20.11.2024, was issued to the petitioner in this regard. That apart, the owner of the land wherein the said gym is situated also raised his objection for continuance of gym in his land. For the lapse on the part of the petitioner in submitting the required documents, the petitioner's application dated 22.10.2024, was rejected and further



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intimation by the impugned order was given to the petitioner to close the gym, if not complied, would result in locking and sealing the said premises by the second respondent. This order is challenged before this Court.

4.The learned counsel for the petitioner submitted that the order passed by this Court in W.P.(MD)No.25831 of 2024 was despatched by this Court only on 26.01.2024. However, even before a week of despatch, I.e., on 20.11.2024, the second respondent had passed yet another order, rejecting the petitioner's letter dated 24.10.2024, seeking no objection for conduct of gym. He drew my attention to yet another notice of the second respondent dated 20.11.2024, by which, the second respondent had categorically communicated that the petitioner's request for grant of no objection certificate could not be considered and required the petitioner to close the gym within a period of seven days, failing which, the same would be sealed. He further insisted that the petitioner is running the said gym for the past more than nine years and after having permitted to run for long period of decade, now the second respondent is not justified in suddenly preventing the petitioner from running the said business without giving an opportunity of hearing. On that basis, he pressed for allowing the Writ Petition.

5.Per contra, the learned Standing Counsel appearing for the



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respondents vehemently submitted that the petitioner failed to oblige to produce the necessary documents required by the second respondent to consider his application for grant of no objection certificate for running the Gorilla gym as required by him. That apart, several police complaints were lodged as against the said gym and the second respondent has also received a communication from the Inspector of Police, S.S. Colony, requiring the second respondent to take appropriate action against the petitioner for running the said gym without appropriate permission. A separate enquiry was initiated on the request received from the Inspector of Police, S.S. Colony. In the interregnum, this Court in W.P.(MD)No. 25831 of 2024 also passed an order on 28.10.2024, directing the Zonal Sanitary Officer as well as the second respondent to consider the petitioner's application for grant of no objection certificate for running the gym, namely Gorilla gym. During the pendency of enquiry already initiated by the second respondent on the complaint of the Inspector of Police, S.S. Colony, without getting appropriate permission from the Zonal Sanitary Officer, the petitioner also failed to produce necessary documents to substantiate his claim for running the said gym. In addition to that, the second respondent also received the complaint from One N.Sivarajan, who is the landlord of the land, in which Gorilla gym is functioning, stating that the First Additional Rent Control Court, Madurai Town in R.L.T.O.P.No.123 of 2020, by order dated 29.11.2024, has directed the petitioner herein to hand over the vacant possession of the



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said land without any hindrance to the landlord. However, the petitioner failed to hand over the said land and sought for indulgence of the said second petitioner against the petitioner. Only on multifarious complaints received from various persons, particularly, from the landlord of the gym, from the Inspector of Police, S.S. Colony and in compliance of the order passed by this Court in W.P.(MD)No.25831 of 2024, the impugned order rejecting the petitioner's claim for no objection certificate dated 22.10.2024 is passed. It is necessary that this Court has to dismiss the Writ Petition.

6.It is understood that the online application of the petitioner for grant of licence was also rejected by the second respondent.

7.A careful perusal of the materials available on record would reveal that even before the impugned order dated 10.12.2024, as early as on 20.11.2024, on receipt of the complaint from Inspector of Police, S.S. Colony, the second respondent has already rejected the petitioner's request for no objection certificate and hence, the impugned order is nothing but replica of the order dated 20.11.2024. The petitioner has not chosen to challenge the aforesaid order dated 20.11.2024. Hence, he has no *locus standi* to challenge the consequential order i.e., the impugned order dated 10.12.2024.



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8.Hence, this Writ Petition is not sustainable and the same is dismissed. There shall be no order as to costs.

10.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

- 1.The Commissioner of Corporation,
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- 2.The Assistant Commissioner of Corporation,
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- 3.The Zonal Sanitary Officer,
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L.VICTORIA GOWRI, J.

Mrn

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