



W.P.(MD)No.18330 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:27.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.18330 of 2023

Venkatesan

... Petitioner

Vs.

1. The Superintendent of Police (Rural),
Trichy, Trichy District.

2. The Deputy Superintendent of Police,
Thiruverumbur, Trichy District.

3. The Inspector of Police,
Navalpattu Police Station,
Trichy District.

4. The Sub-Inspector of Police,
Manikandam Police Station,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents herein and their subordinates officials from in any manner interfering with the rights of the members of the petitioner's Royal Palace Recreation Club, to play the game of rummy with stakes and other indoor games in the



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premises of the petitioner's Royal Palace Recreation Club situated at Manikandam, Trichy District.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This petition is seeking for a mandamus to the respondents police forbearing them interfering with the rights of the members of the petitioner's Royal Palace Recreation Club, to play the game of rummy with stakes and other indoor games in the premises of the petitioner's Club situated at Manikandam, Trichy District.

2. It is submitted by the learned counsel for the petitioner that the petitioner club has been registered as a Society under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) with registration SI.No.SRG/Trichy/238/2022 and the club has a membership of various sections of people. The objects of the society are to promote athletics, sports, indoor games, social service and cultural activities. The petitioner's club is also governed by a President with an Executive



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Committee along with other members elected every year. The petitioner's club allows some of the members to play rummy under the gaming law existing in the State.

3. The contention of learned counsel for the petitioner is that though no illegal activities is carried on in the club the respondents police surprising the petitioner's club by interfering with the rights of the petitioner club without following due process thereby, sought for issuance of suitable directions.

4. Learned Government Advocate (Crl. Side) on the other hand submits that the respondents police have not interfered in any manner as alleged by the petitioner.

5. The petitioner has cited orders of this Court in W.P.No.468 of 2021 dated 01.07.2021 between ***Salem Kolathur Sri Mahalakshmi Friends Sports Association v. The Superintendent of Police, Salem,*** wherein, this Court held as under:-



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"5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also following the earlier orders of this Court as referred to above, this Court is inclined to permit the petitioner Association to play rummy, (13 cards) without any stakes, subject to the following conditions:

- (i) The petitioner association shall not indulge in any activity by allowing its members or the guests to play rummy (13 cards) with stakes and make profit or gain.
- (ii) The police are entitled to take action in the event of any illegal activity is carried on in the Association premises.
- (iii) The Police shall not disturb the petitioner Association frequently under the guise of inspection without there being any reliable information as to the illegal activities of the association or its members or the guests.

6.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed. "

6. The Hon'ble Apex Court in *State of A.P. v. K. Satyanarayana* reported in *AIR 1968 SC 825* has held as under:

"12. We are also not satisfied that the protection of Section 14 is not available in this case. The game of rummy is not a game entirely of chance like the "three-card" game



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mentioned in the Madras case to which we were referred. The “three card” game which goes under different names such as “flush”, “brag” etc. is a game of pure chance. Rummy, on the other hand, requires certain amount of skill because the fall of the cards has to be memorised and the building up of Rummy requires considerable skill in holding and discarding cards. We cannot, therefore, say that the game of rummy is a game of entire chance. It is mainly and preponderantly a game of skill. The chance in Rummy is of the same character as the chance in a deal at a game of bridge. In fact in all games in which cards are shuffled and dealt out, there is an element of chance, because the distribution of the cards is not according to any set pattern but is dependent upon how the cards find their place in the shuffled pack. From this alone it cannot be said that Rummy is a game of chance and there is no skill involved in it. Of course, if there is evidence of gambling in some other way or that the owner of the house or the club is making a profit or gain from the game of rummy or any other game played for stakes, the offence may be brought home. In this case, these elements are missing and therefore we think that the High Court was right in accepting the reference it did."

7. In the case on hand, it is alleged by the petitioner even though the petitioner has not indulged in any illegal activities, the respondents police have been raiding the club thereby insisting the petitioner club not



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to permit the members to play rummy game. The respondents police on the other hand submitted that the police will not interfere with the Club as long as the petitioner club run the same without any illegal activities and in case if they get any tip-off in respect of illegal activities, they will follow the procedure and take action.

8. Considering the submissions made by both sides and on going through the records available, this Court is inclined to issue directions to the respondents police to scrupulously follow the directions given by this Court as mentioned in *Salem Kolathur Sri Mahalakshmi Friends Sports Association (supra)*, in case if police gets any information in regard to petitioner Club.

9. The petitioner's club is required to follow the conditions of licence and also the statutory provisions and rules made under the Gaming Act. Merely because the petitioner's club is being run reputed persons and that they have got a licence to run the club, it does not mean that they can violate any rules or provisions of the Act. The petitioner herein is asking for a blanket order forbidding the police to entering the



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club and for making surprise check. The primary duty of the police is to investigate the offences but at some time, the other important duty of the police is to see the offences are prevented. As a part of their routine duty, the police are expected to enter premises not only the petitioner's club and surprise them to see whether illegal activities are going on. Entering the premises by the police cannot be treated as a stigma on the club, as Police are required to protect lives and properties of the citizen. If this kind of order sought for by the petitioner and if it is given, it amounts to giving a licence to the petitioner club to do any illegal activities even then police will not able to enter into their premises. Therefore, as a part of the duty, the police are expected to visit various clubs and other premises to avert any untoward incidents or illegal activities. Therefore, the blanket order as sought for by the petitioner club cannot be given, however, at the same time, under the guise of visiting the club in order to ensure that the laws are being implemented, the police cannot do over acting and disturb the privacy of the members of the club. Whenever any information is received by the police, the police are expected to follow the procedure scrupulously and surprise the premises by following due process established under law.



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WEB COPY 10. With these observations, this writ petition stands disposed of.

No costs.

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

PKN/mvs.

To

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2. The Deputy Superintendent of Police,
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3. The Inspector of Police,
Navalpattu Police Station,
Trichy District.
4. The Sub-Inspector of Police,
Manikandam Police Station,
Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

DR.D.NAGARJUN,J

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