

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 11473 of 2015

Sri Sai Manamagiz Mandram,
Athipattu Pudhu Nagar,
rep. By its President,
V.N. Prabhakaran,
No.340, Railway Station Road,
Athipattu Pudhu Nagar,
Thiruvallur District.

...Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
2. The Deputy Superintendent of
Police,
Ponneri, Thiruvallur District.
3. The Inspector of Police,
Minjur, Thiruvallur District. ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents from interfering in any manner in the activities of the petitioner association including playing of 13 cards game like rummy with or without stakes whatever and also from harassing the members, the guests or the members of the management of petitioner association in any manner.

For Petitioner :: Mr.S. Deivasigamani
For Respondents:: Mr.S.V. Duraisolaimalai
Addl. Govt. Pleader

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that their association is functioning from the year 2014, without any complaint of any sort; that they are conducting various activities like cultural, literary,

sports, both indoor and outdoor events and also arrange for discussions and other interactive sessions for the benefit of their members and guests and that they are providing facilities for playing various games including playing cards (not resorting to gambling). However, according to the petitioner, the 3rd respondent, without any rhyme or reason, is interfering with their business activities. In this regard, though the petitioner submitted a representation on 07.04.2015 to the respondents, they have not been favoured with any response and therefore, the petitioner has come forward to file this writ petition.

3. Learned counsel for the petitioner has drawn the attention of this Court to the order dated 16.02.2015 passed in W.P. No. 3796 of 2015 and submitted that, in similar circumstances, this Court has issued certain directions to the police authorities and that similar orders may be passed in this writ petition as well.

4. Per contra, Mr.S.V. Duraisolaimalai, learned Additional Government Pleader, who accepts notice on behalf of the respondents, would submit that it is the duty of the Police to prevent the commission of cognisable offence and that they cannot be precluded from searching the premises of the petitioner.

5. This Court heard the rival submissions and also perused the materials on record. It is relevant to extract paragraph No. 4 of the order dated 16.02.2015 passed in W.P. No. 3796 of 2015 (Relax Recreation Club V. The Superintendent of Police, Tiruppur, Tiruppur District and 2 others), which reads as follows:

"4. The petitioner and the members of the petitioner Club are entitled to carry on lawful activities within their premises and there should not be any interference from the police authorities, so long as their activities are not in violation of the provisions of the Public Gambling Act, 1867/Tamil Nadu Gaming Act, 1930, they need not have any apprehension with interference from the police authorities. However, if the police authorities have specific information or reasonable doubt that the activities carried on by the Club or its members are not in accordance with law or they indulge in unlawful activities, in violation of the provisions of the Public Gambling Act, 1867/Tamil Nadu Gaming Act, 1930 or any other enactment, it would be open to them, after recording reasons in the General Diary maintained in the Police Station, to proceed to enter the Club premises, conduct investigation, interrogate those who involve themselves in such activities and take appropriate action on merits and in accordance with law."

6. In the light of the facts and circumstances and taking into consideration the materials placed on record, this Court, without going into the merits of the representation submitted by the petitioner dated 07.04.2015, directs respondents 2 and 3 to consider the said representation and pass orders, in accordance with law, in the light of the above order passed by this Court, as expeditiously as possible, in any event, not later than 2 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

nv

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
 2. The Deputy Superintendent of
Police,
Ponneri, Thiruvallur District.
 3. The Inspector of Police,
Minjur, Thiruvallur District.
- + 1 cc to Govt.Pleader SR 21825
- + 1 cc to Mr.S.Deivasigamani, Advocate SR 21665

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