

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 11508 of 2015

Dhanalakshmi Cultural Association,
rep. By its Secretary,
J. Pachiappan,
S/o. P. Jaganathan,
No. 35/11, Kalingarayan Street,
Royapettah,
Chennai - 600 014.

..Petitioner

Vs.

The Inspector of Police,
E2, Royapettah Police Station,
Royapettah,
Chennai - 600 014.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondent and his subordinates or any other official tracing power under them, from in anyway and in any manner interfering or disturbing with the affairs of the petitioner association/club and its members/guests and in the right to avail the facilities for playing rummy, skill games, not involving any element of gambling.

For Petitioner :: Mr.R. Neelakandan for
Mr.K. Ramesh
For Respondent :: Mr.RM. Muthukumar,
Govt. Advocate

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O R D E R

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

2. The petitioner Association claims to have been carrying on its lawful recreational activities like playing carrom, chess games and also playing of cards like rummy without stakes, the timings being from 10 a.m. to 8p.m. The grievance expressed by the petitioner is that Police Authorities, under the guise of inspection, are routinely interfering with their business activities and in this regard, the petitioner submitted a representation dated 16.04.2015 to the respondent. In spite of it, the disturbance/interference continues and hence, the petitioner has come forward to file this writ petition.

3. Mr. R. Neelakandan, learned counsel for the petitioner has drawn the attention of this Court to the order dated 17.03.2015 passed in W.P. No. 6175 of 2014, wherein, under similar circumstances, this Court disposed of the writ petition, imposing certain conditions and the learned counsel for the petitioner submitted that in the light of the said order passed by this Court, appropriate orders may be passed.

4. This Court heard the submissions of Mr. RM. Muthukumar, learned Government Advocate, who accepts notice on behalf of the respondent.

5. It is relevant to extract paragraph No.5 of the order dated 17.03.2015 passed in W.P. No. 6175 of 2014, which reads thus:

"5. The submissions made on either side are recorded. Accordingly, the writ petition is disposed of with the following conditions:

i. 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;

ii. In the normal circumstances, there should be no interference in the lawful functioning of the Clubs, by the Police. It is not permissible for the police to enter the Club premises as a routine measure, so long as the Clubs are functioning within the framework of law;

iii. 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 as per law;

iv. While exercising the powers conferred on the Police authorities, they should follow the mandatory provision as contained in Section 5 of the Tamil Nadu Gaming Act, 1930/Public Gambling Act, 1867;

v. It is always open to the Club or its members to challenge the action taken by the Police, if it is not in accordance with law;

vi. In case the Police authorities are of the opinion that a situation has arisen to suspend the operation of the Club in exercise of the powers conferred, they have to issue an order in writing. When there is no authority to the Police to issue an order of suspension orally, they are not entitled to pass such oral orders; and

vii. Before passing orders for the purpose of closure of the Club, in exercise of the powers conferred on the authorities, they should follow the principles of natural justice. The Club should be given an opportunity to submit their objections and if so desired, a further opportunity of personal hearing should also be given."

6. Considering the above facts and circumstances, this Court, without entering upon the merits of the representation submitted by the petitioner dated 16.04.2015, directs the respondent to consider the said representation, in the light of the aforesaid order passed by this Court in W.P. No. 6175 of 2014 dated 17.03.2015 and pass orders, in accordance with law, as expeditiously as possible, in any event, not later than 2 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

nv

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To
The Inspector of Police,
E2, Royapettah Police Station,
Royapettah,
Chennai - 600 014.

+ 1 cc to Mr.K.Ramesh, Advocate SR 21602

+ 1 cc to the Govt. Pleader High Court, Madras 21826

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