

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.14147 of 2015

and

M.P.No.1 of 2015

Ooty Stand Fort Klub
Rep. by its Secretary S.Karthikeyan
234 Bombay Castle Ooty
Nilgiris District. ... Petitioner

Versus

- 1 The Superintendent of Police
Nilgiris District Nilgiris.
- 2 The Deputy Superintendent of
Police Ooty Nilgiris District.
- 3 The Inspector of Police
B1 Police Station Ooty Nilgiris District. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 3rd respondent not to interfere with the petitioner association activities without the approval of the 1st and 2nd respondents as contemplated under the Tamil Nadu Gaming Act.

For Petitioner : Mr.V.P.R.Elamparithi

For Respondents : Mr.V.Subbiah
Special Government Pleader

O R D E R

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

2. The petitioner association claims that it was started in the year 2007 with the object of encouraging sports and provides social service to poor and needy and in the premises of the petitioner's association, games such as carom, rummy are used to be played. It is the specific stand of the petitioner that it has prohibited any other games in the premises of the petitioner's association and while so, the 3rd respondent has started interfering with the activities of the petitioner's association and in this regard, he filed W.P.No.23015 of 2008 against the 1st respondent as well as against the Inspector of Police, Ooty Town Police Station and the Ooty Police Station. It vide order dated 22.09.2008, has disposed of the

writ petition by following the order dated 06.05.2003 made in W.P.No.14687 of 2003.

3. The grievance expressed by the petitioner is that inspite of such an order, the 3rd respondent is repeatedly interfering with the lawful activities of the petitioner association and in this regard, he submitted a representation dated 29.04.2015 to the 1st respondent and since, no orders have been passed, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner would submit that the earlier order dated 22.09.2008 made in W.P.No.23015 of 2008, is not at all followed by the respondents and prays for appropriate orders.

5. The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents and would submit that it is the duty of the respondents to prevent the commission of the crime also and therefore, any lawful act on their part cannot be interfered with and prays for dismissal of the writ petition.

6. It is relevant to extract paragraph No.2 of the order dated 22.09.2008, made in W.P.No.23015 of 2008.

"2. In identical matters, this Court disposed of WP.No.14687 of 2003 by order dated 06.05.2003. Following the same, this writ petition is also disposed of, with the below mentioned directions:-

(a) so long as the petitioner's club or its members carry on lawful activities, the respondents shall not interfere. However, if the respondents have specific information or bona fide suspect hat the activities carried on by the petitioner club or its members are not in accordance with the statutory provisions, or the respondents have reason to believe that there is a violation of the provisions of the Gaming Act or any other enactment, it is well open to the respondents or their subordinates to enter the petitioner's premises, conduct investigation, question those who involved themselves in such activities and take appropriate action.

(b) It is open to the petitioner or its members to defend themselves in case of any prosecution levelled and it is equally open to them to challenge the action of the respondents, if it is not in accordance with law.

(c) The respondents or their subordinates or their men shall not be entitled to enter into the club premises or question the office bearers or other members of the club so long as the club members confine their club to lawful activities as is permissible in Law and if specific

information is received, after recording the same, in the station records, the respondents may enter, investigate and question the members and proceed further according to the gravity of the offence or the violation detected, as the case may be.

(d) If for any valid reason or in enforcement of any provision of law, the activities of the petition club has to be suspended or closed, the respondents shall issue an order in writing to the said effect and without issuing a written order, the respondents shall not orally direct closure of the petitioner's club."

7. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 1st respondent to consider and dispose of the petitioner's representation dated 29.04.2015, in accordance with law, after taking note of the above said order and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. It is made clear that if the respondents apprehend any law and order or public order problem, it is always open to them to take action strictly in accordance with law.

8. The writ petition is disposed of, accordingly. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1 The Superintendent of Police
Nilgiris District Nilgiris.
- 2 The Deputy Superintendent of
Police Ooty Nilgiris District.
- 3 The Inspector of Police
B1 Police Station Ooty Nilgiris District.

+1 cc to Mr.V.P.R. Elamparithi, Advocate, sr.37115

+1 cc to The Government Pleader, High Court, Madras, sr.36695

W.P.No.14147 of 2015

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