

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21788 of 2015

Netwin Sport Club
rep.by its Secretary
R.Senthil Kumar
SF No.432, Min Nagar
Palladam
(Opp.to Kongu Mandapam)
Tiruppur District
.. Petitioner

-vs-

1. The Superintendent of Police
Tirupur District
 2. The Assistant Commissioner
Excise, Tirupur
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents their men officials and agents from interfering with the affairs of the petitioner club particularly the games played by its members in accordance with the objects incorporated in the Memorandum of the petitioner society.

For Petitioner :: Mr.R.Singaravelan for
Ms.M.Srividhya

For Respondents :: Mr.A.Kumar
Special Government Pleader

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ORDER

This writ petition has been filed by Netwin Sport Club represented by its Secretary Mr.R.Senthil Kumar under Article 226 of the Constitution of India, seeking a mandamus to forbear the respondents and their officials from interfering with the affairs of the petitioner-Club, particularly the games played by its members in accordance with the objects incorporated in the Memorandum of the petitioner society.

2. Learned counsel for the petitioner submitted that the petitioner Club was formed on 18.5.2009 and registered under the Tamil Nadu Societies Registration Act, 1975. The object of the formation of the petitioner-Club is to increase the skill of members in the games like carrom, chess, playing cards (rummy), table tennis, kabaddi, cricket, volleyball, snooker, billiards, knock-out etc., without any monetary gain to the members of the Club or any other persons. The learned counsel further submitted that almost all the members of the club are professionals like doctors, lawyers and officers of different categories and the members have been functioning strictly in accordance with law. Since the respondents and their men are interfering with the affairs of the Club, particularly the games played by its members in accordance with the objects incorporated in the Memorandum of the petitioner society, the petitioner has come to this Court.

3. Mr.A.Kumar, learned Special Government Pleader takes notice on behalf of the respondents.

4. Since the issue is squarely covered by the judgments of this Court in Anandham Manamagil Mandram, Theni District v. The Superintendent of Police, Theni District and others, 2009 (4) CTC 264 and in Blue Star Cultural Association, Chennai v. The Commissioner of Police, Chennai City and others, 2014 (!) CWC 592, the writ petition is disposed of with the following directions:-

- (i) The petitioner and the members of the 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 frame work 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 was not in accordance with law;

(vi) In case the Police authorities were 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 granted 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.

Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ss

To

1. The Superintendent of Police
Tirupur District

2. The Assistant Commissioner
Excise, Tirupur

1 cc to M/s.M. Srividhya, Advocate, Sr. 38966

1 cc to Government Pleader, Sr. 39090

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W.P.No.21788 of 2015

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