

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.25336 of 2015

and

M.P.No.1 of 2015

"Everest Recreation Club" Gudimangalam,
Rep. By its President, Mr.B.S.Durai,
2/251, Adappu Thottam,
Gudimangalam Post,
Udumalpet Taluk,
Tiruppur District.

Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Udumalpet, Tiruppur District.

3.The Inspector of Police,
Gudimangalam Police Station,
Tiruppur district. ...

Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus forbearing the respondents and their subordinates from interfering with the lawful day to day affairs of the petitioner club in any manner without any reasonable cause in the premises at No.2/251, Adappu Thottam, Gudimangalam Post, Udumalpet Taluk, Tiruppur District by considering the petitioner's representation dated 14.06.2015.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.A.Kumar, Spl.GP

O R D E R

Heard the learned Special Government Pleader appearing for the respondents.

2. Learned counsel appearing for the petitioner submitted that the respondents are interfering with the lawful activities of the petitioner Club without any basis. It is further submitted that playing the cards per-se is not prohibited. He has also placed reliance upon the order passed by this Court in W.P.No.9009 of 2015, dated 30.03.2015.

3. Considering the above said order, this Court is inclined to pass the following order:

a)The petitioner association shall not indulge in any illegal activity other than playing Rummy (13 cards) by its members and guests;

b)If there is any evidence of gambling in some other way, the respondent police have a right to enter the premises of the petitioner's association, inspect and take further action as per law;

c)The respondent police are also advised not to disturb the petitioner association frequently under the guise of inspection as it would disturb the peace harmony of the petitioner association.

d)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](#);

e)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;

f)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;

g)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](#);

h)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;

i)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

j)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.

4. In fine, the writ petition stands disposed of in the above terms. No Costs. M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Udumalpet, Tiruppur District.
- 3.The Inspector of Police,
Gudimangalam Police Station,
Tiruppur district.

1 cc to Mr.N.Ponraj , Advocate Sr.No.47554

W.P.No.25336 of 2015

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