

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.27018 of 2015

and

M.P.No.1 of 2015

Syndicate Recreation Club,
Rep. By its Secretary,
N.Dharmaraj,
S/o.Nanja Gounder,
184, Alms House Road,
Ooty, Nilgiris District.

... Petitioner

vs.

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

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus, directing the 3rd respondent not to interfere with the petitioner's 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.P.Sanjay Gandhi,
Additional Government Pleader

ORDER

The petitioner is a recreation club. The petitioner's club has been closed on the ground that it is continuously involved in the gambling which is prohibited under law. Seeking direction to the third respondent not to interfere with the activity of the petitioner, this Writ Petition has been filed.

2. In the counter affidavit filed by the respondents, it has been stated that cases have been registered against the petitioner in Crime Nos.105 of 2012, 215 of 2012, 498 of 2012, 664 of 2012, 225 of

2013 and 232 of 2014 under Sections 8 and 9 of Tamil Nadu Gambling Act. In all these cases, accused persons accepted the charges before the Judicial Magistrate Court, Ooty and paid fine.

3. The above said facts would clearly show that the petitioner is carrying on illegal activities. In all these cases only fine was imposed. The petitioner club has been involved in the very same activity. Apparently fine had been taken as that of fees for indulging in such activities. Though the petitioner sought for a direction not to interfere with the activities, it appears that the petitioner club had already been closed. Therefore, the prayer sought for herein is no longer survives. Even otherwise, this Court is not willing to exercise its discretion on facts. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant 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 Government Pleader.Sr.No.49610

सत्यमेव जयते

W.P. No.27018 of 2015

TS (CO)
PMK.30.9.2015

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