

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.28044 of 2014 &
M.P.No.1 of 2014

1. Karuna Social Welfare Club
Rep. by its Secretary K.Manoharan ... PETITIONER

Vs

1. The Superintendent of Police
Tiruppur District, Tiruppur.
2. The Deputy Superintendent of Police,
Kangayam Tiruppur District.
3. The Inspector of Police
Kangayam Police Station
Kangayam, Tiruppur District. ... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to forbear the respondents herein from preventing the members of the petitioners Club playing the game of Rummy (without Money or bet) along with Carom Board Table Tennis Chess at S.F.No.1112, Konakkadu, Karattupalayam, Sivanmalai Village, Kangayam Taluk, Tiruppur District unless due process of law.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

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O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.C.Prakasam, learned Counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

3.The petitioner has come forward with this Writ Petition for issuance of a writ of mandamus to forbear the respondents from preventing the members of the petitioner's Club playing the game of Rummy (without Money or bet) along with Carom Board Table Tennis Chess at S.F.No.1112, Konakkadu, Karattupalayam, Sivanmalai Village, Kangayam Taluk, Tiruppur District unless due process of law.

4.According to the petitioner they are the registered club having members drawn from in and around the place. They promote sports both in-door and out-door games by conducting tournaments besides having number of other objects. It is a non-political organisation. The members come and avail the facilities of both in-door and out-door games provided by this club. They also take care of the interest of the members at large. While so, the respondents and their subordinates are often entering the club under the guise of inspection and investigation, thereby the smooth running of the club is disturbed. They are conducting only legal activities which are permissible under law and they do not do anything against law. While so, the constant disturbance by the respondent police under the guise of inspection is causing enormous difficulties and disturbances in the conduct of the club. Hence the above writ petition has been filed for the aforesaid prayer.

5. The learned Special Government Pleader submits that in similar matters orders have been passed by this Court permitting the club to have their activities with conditions.

6. The learned counsel appearing for the petitioner drew my attention to page No.37 of the typed set of papers, where a copy of the order passed by this Court on a similar matter is enclosed. He submits that similar order could be passed in this writ petition also. His submission is recorded.

7. Accordingly, this 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.

8. In the result, the writ petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RPA

To

1. The Superintendent of Police
Tiruppur District, Tiruppur.
2. The Deputy Superintendent of Police,
Kangayam Tiruppur District.
3. The Inspector of Police
Kangayam Police Station
Kangayam, Tiruppur District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.13035

AD(CO)
CA(18/03/2015)

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