

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.5127 of 2015

and

M.P.No.1 of 2015

Kangayam Friends Club
Regn.No.27/2015 Rep. by its President P.
Kathirvel No.187/1 Mullai Nagar
Karur Road Kangayam
Tiruppur District.

...Petitioner

Vs

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

...Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of writ of mandamus forbearing the respondents
herein from preventing the members of the petitioner Club playing
the game of Rummy (without money or bet) along with Carom Board
Table Tennis Chess at No.187/1 Mullai Nagar Karur Road Kangayam
Tiruppur District unless due process of law

For petitioner : Mr. C. Prakasam

For respondents : Ms. P. Rajalakshmi, GA

ORDER

Heard the learned counsel for the petitioner. Though liberty
was granted to the respondents to file counter, they have not filed

any counter.

2. Considering the facts and circumstances of the case and also taking note of the earlier order passed by this Court in W.P.No.6436 of 2012 dated 14-03-2012, wherein this Court disposed of the said writ petition on the following conditions:

- i."The petitioner association shall not indulge in any other illegal activity other than playing Rummy (13 cards) with or without stakes by its members and guests;
- ii. 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;
- iii. The respondent police are advised not to disturb the petitioner association frequently under the guise of inspection as it would disturb the peace and harmony of the petitioner association;
- iv. The petitioner and the members of the petitioner association are entitled to carry on their 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;
- v. In the normal circumstances, there should be no interference in the lawful functioning of the association by the Police. It is not permissible for the police to enter the petitioner's premises as a routine measure, so long as the association is functioning within the frame work of law;
- vi. If the police authorities have specific information or reasonable doubt that the activities carried on by the association 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 association premises, conduct investigation, interrogate those who involve themselves in such activities and take appropriate action on merits and as per law;
- vii. 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;

viii. It is always open to the association or its members to challenge the action taken by the Police, if it is not in accordance with law;

ix. In case the Police authorities are of the opinion that a situation has arisen to suspend the operation of the association 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

x. Before passing orders for the purpose of closure of the association, in exercise of the powers conferred on the authorities, they should follow the principles of natural justice. The association should be given an opportunity to submit their objections and if so desired, a further opportunity of personal hearing should also be given."

3. Accordingly, this writ petition is also disposed of on the same lines. No costs. The connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

glp

To

1 The Superintendent of Police
Tiruppur District Tiruppur Tiruppur
District.

2 The Deputy Superintendent of
Police Kangayam Tiruppur District.

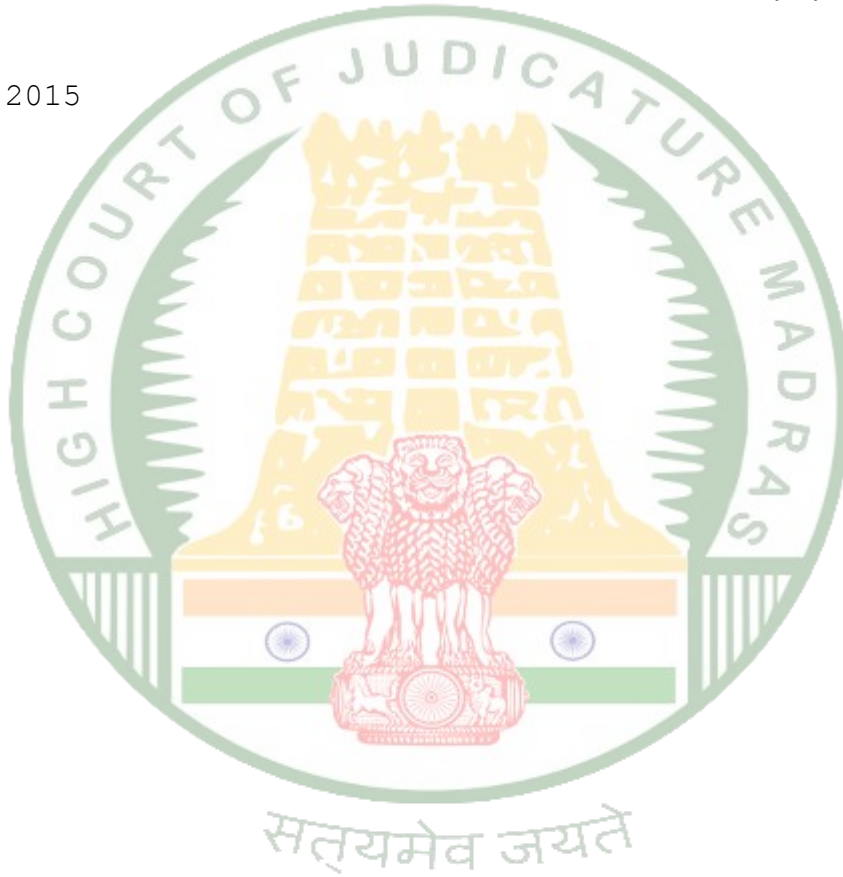
3 The Inspector of Police
Kangayam Police Station Kangayam
Tiruppur District

1CC to Mr.C.Prakasam, Advocate SR 14572

1CC to Government Pleader SR 14510

W.P.No.5127 of 2015

KM [CO]
PSI 25.03.2015



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