



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.05.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD)No.8015 of 2015 and M.P.(MD)No.1 of 2015

WEB COPY

D.Karthik

.. Petitioner

Vs.

1. The Superintendent of Police,
Karur District, Karur.

2. The Inspector of Police,
K.Paramathi Police Station,
K.Paramathi, Karur District.

3. The Sub Inspector of Police,
Thennilai Police Station,
Thennilai, Karur District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents and their men from in any manner interfering or disturbing with the affairs of the Thennilai Sencherivalasu Chess Cultural Association Club or its members right to avail facilities provided for playing in the club.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.M.Muthukarruppan
Additional Government Pleader

O R D E R

The petitioner seeks for issuance of a Writ of Mandamus forbearing the respondents and their men from in any manner interfering or disturbing with the affairs of the Thennilai Sencherivalasu Chess Cultural Association Club or its members right to avail facilities provided for playing in the club.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. In similar circumstances, this Court in the case of *Anandham Manamagil Mandram v. The Superintendent of Police*, reported in 2009(4) CTC 264, has issued certain directions. The directions are as follows:-

(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.

4. Following the earlier order passed by this Court in Anandham Manamagil Mandram's case cited supra, the Writ Petition stands disposed of with the same directions, as extracted above. Consequently, the connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police, Karur District, Karur.

2. The Inspector of Police, K.Paramathi Police Station, K.Paramathi, Karur District.

3. The Sub Inspector of Police,
Thennilai Police Station, Thennilai, Karur District.

+1cc to MR.S.GOKUL RAJ, ADVOCATE IN SR : 25283

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 25416

Ssl

SR/SJW : 18.05.2015 : 2p/6c

W.P. (MD) No.8015 of 2015
and

M.P. (MD) No.1 of 2015
13.05.2015