

In the High Court of Judicature at Madras

Dated : 26.04.2016

Coram

The Honourable Mr.Justice R.SUBBIAH

Cont.P.No.142 of 2016

Old Washermenpet Nehru Memorial Sports Club,
rep. by its President S.K.Padmanathan,
No.4, Manikanda Mudali 1st Street,
Old Washermenpet, Chennai-600 021. Petitioner

...vs...

1.Mr.T.P.Suresh Kumar,
Deputy Commissioner of Police,
Washermenpet Police District,
O/o.The Deputy Commissioner,
H5 New Washermenpet Police Station,
Chennai-600 081.

2.Mr.Deivasigamani,
Assistant Commissioner of Police,
Washermenpet Range,
O/o.The Assistant Commissioner of Police,
H3, Tondiarpet Police Station,
Chennai-600 081.

3.Mr.Kasiappan,
Inspector of Police,
H1 Old Washermenpet Police Station,
Chennai-600 021. ...Respondents

Contempt Petition filed under Sections 11 & 12 of the
Contempt of Courts Act, 1971, to punish the respondents for
the act of willful disobedience and for the violation of
the order passed by this Court in W.P.No.27457 of 2003,
dated 06.10.2003.

For Petitioner : Mr.H.Mohamed Ghouse

For Respondents : Mrs.P.Rajalakshmi, GA

* * * * *

ORDER

This Court by order dated 06.10.2003 in W.P.No.27457 of 2003 has passed the following order_

(i) So long as the petitioner's Association/Club or its members carry on lawful activities, the respondents shall not interfere. However, if the respondents have specific information or bona fide suspect that the activities carried on by the petitioner Club or its members are not in accordance with the statutory provisions, or the respondents have reason to believe that there is a violation of the provisions of the Gaming Act or any other enactment, it is well open to the respondents to their subordinates to enter the petitioner's Club premises, conduct investigation, question those who involved themselves in such activities and take appropriate action.

(ii) It is open to the petitioner or its members to defend themselves in case of any prosecution levelled and it is equally open to them to challenge the action of the respondents if it is not in accordance with law.

(iii) The respondents or their subordinates or their men shall not be entitled to enter into the Club premises or question the office bearers or other members of the Club, so long as the club members confine their club to

lawful activities as is permissible in law and if specific information is received, after recording the same in the Station Records, the respondents may enter, investigate, question the members, proceed further according to the gravity of the offence or the violation detected, as the case may be.

(iv) If for any valid reason or in enforcement of any provision of law the activities of the petitioner club has to be suspended or closed, the respondents shall issue an order in writing to the said effect and without issuing a written order, the respondents shall not orally direct closure of the petitioner's recreation club.

2. Now, the present contempt petition has been filed by the petitioner, alleging that the respondents and their subordinates are deliberately and wilfully disobeying the order of this Court by restraining the petitioner-Club and its members from carrying lawful activities and interfering its day-to-day activities.

3. But, the respondents have filed a counter stating that allegations made by the petitioner in the contempt petition are false and the respondents neither harassed any member of the petitioner-Club nor interfered with its functioning. It is true that a show cause notice under

Section 34 of the Chennai City Policy Act was issued to the

petitioner on 26.08.2015, requiring the petitioner to obtain Public Entertainment License under the said Act. On receipt of the said show cause notice, the petitioner had issued a reply dated 13.11.2015, wherein it was mentioned that the petitioner's premises admeasures an extent of 30 square meter and as such the provision of Section 34 of the Chennai City Police Act would not be applicable to the petitioner-Club. Thereafter, no further action was initiated at the instance of the respondents in that regard.

4.It is further stated in the counter by the respondents that the petitioner-Club is situated in a congested commercial area, with just 10 feet wide approach road. There is no designated parking space for the petitioner-Club and the road side parking done by the petitioner's guests causes heavy hardships to the general public. Owing to the repeated complaints reported in that regard by the pedestrians and the people in the neighbourhood, show cause notice under Section 34 of the Chennai City Police Act was issued to the petitioner. However, once the petitioner had clarified that the said provision would not be applicable to the Club, no further action was initiated as against the petitioner. The respondents have not restrained the members of the petitioner-Club from carrying on their activities in any

manner. The respondents have not committed any act in contempt of the orders of this Court, much less a deliberate or willful disobedience. Thus, the respondents sought for dismissal of the contempt petition.

5. In view of the counter filed by the respondents, I am of the opinion that there is no willful and deliberate disobedience of the orders of this Court on the part of the respondents. Hence, recording the statement made in the counter affidavit filed by the respondents, this contempt petition is ordered to be closed.

ssv

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

To

1. The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

JM/CO/03/06/2016

One CC to Government Pleader, SR.5516/2016

One CC to M/S.H.Mohamed Ghouse, Advocate, SR.5416/2016