

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15570 of 2016

And

W.M.P.No.13536 of 2016

Sree Balaji Sports and Cultural
Association

Rep. by its Secretary,
K.Mohan Reddy

... Petitioner

Vs.

1 The Superintendent of Police
Thiruvallur District,
Thiruvallur.

2 The Deputy Superintendent of Police
Gummidipoondi,
Thiruvallur District.

3 The Inspector of Police
Arambakkam Police Station,
Thiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the activities of the petitioner association and also from harassing the members guests or the members of the management of the Petitioner Association.

For Petitioner : Mr.R.Ramana

For Respondents: Mr.R.Govindasamy
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner association is a registered association bearing serial no.138 of 2016 registered with the Registrar of Societies, Chennai North and the deponent of the affidavit would state that the said association is being started to offer facilities of indoor games such as snookers, table tennis, caroms, chess, cards (not resorting to gambling) and outdoor games such as badminton, tennis, volleyball etc.

3.It is further stated by the deponent of the affidavit that the members sometimes used to play cards but not with money and without betting and the memorandum of association also does not permit betting inside the premises. However, the third respondent is repeatedly disturbing the smooth functioning of the association stating that for the purpose of finding out whether any illegal or unlawful activities are going on, he is visiting the premises and on account of the activities of the third respondent, the regular members are getting disturbed and in this regard, the petitioner has sent a representation to the third respondent and since no orders have been passed, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 03.09.2015 passed in W.P.No.24243 of 2015 and would submit that in the light of the similar facts and circumstances, this Court has directed the concerned Inspector of Police not to interfere with the legal activities of the petitioner and making it clear that in the event of any illegal and unlawful activities are carried out, it is open to the respondent to take appropriate action and prays for appropriate orders.

5.Per contra, Mr.R.Govindasamy, learned Special Government Pleader has drawn the attention of this Court to the counter affidavit and would submit that there is every possibility of the petitioner association to indulge in gambling activities such as playing cards and if such illegal activities happen, the respondent police will act and take appropriate action.

6.This Court has considered the rival submissions.

7.It is not in doubt that in the event of activities being carried on strictly in accordance with law, the respondents/ police cannot interfere. However, if any illegal, unlawful and immoral activities are going on, it is open to the petitioner to take appropriate action in accordance with law. It is also well settled position of law that it is also the duty of the police to prevent commission of any offence.

8.In the light of the facts and circumstances, this Court directs the third respondent to consider and dispose of the petitioner's representation dated 16.04.2016, on merits and in accordance with law, after taking note of the above cited order

and the legal position and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

9.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Superintendent of Police
Thiruvallur District,
Thiruvallur.
- 2 The Deputy Superintendent of Police
Gummidipoondi,
Thiruvallur District.
- 3 The Inspector of Police
Arambakkam Police Station,
Thiruvallur District.

+1cc to Mr.R. Ramana, Advocate, S.R.No.31678
+1cc to the Government Pleader, S.R.No.31912

SKS (CO)
EU (20/06/2016)

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