

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15788 of 2016

The Tamil Nadu Social Cultural and
Recreational Association
rep by its Secretary,
No.24, 2nd Street, R.K.Nagar,
Old Washermenpet, Chennai - 600 021. ... Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai,
Veppery, Chennai - 600 003.
- 2.The Deputy Commissioner of Police,
Washermenpet Police District,
Washermenpet, Chennai.
- 3.The Assistant Commissioner of Police,
Thondiarpet Range,
Thondiarpet, Chennai.
- 4.The Inspector of Police,
H-4, Korukkupet Police Station,
Korukkupet, Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus forbearing the respondents and their subordinates from interfering with the day-to-day affairs of the petitioners club in any way without any reasonable cause at the premises at No.24, 2nd Street, R.K.Nagar, Old Washermenpet, Chennai - 600 021.

For Petitioner : Mr.K.Bommuraj

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

O R D E R

The petitioner Association would state that it was registered under the provision of Societies Registration Act in Serial No.66 of 1971 and continues to submit annual returns and as on today, the registration is valid. The petitioner would state that he is involved in philanthropic activities

and donated money to Kargil Defence Personnel Relief Fund, The Hon'ble Chief Minister Gujarat Relief Fund and the Tamil Nadu Hon'ble Chief Minister's Public Relief Fund etc. The grievance expressed by the petitioner is that though the club is strictly carrying on lawful activities, the 4th respondent police, under the guise of inspection/verification, is disturbing the lawful activities and therefore, they submitted a representation dated 01.09.2015 to the respondents and since no response is forthcoming, came forward to file this writ petition.

2. Heard the submissions of Mr.K.Bommuraj, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents and would submit that the petitioner is not carrying on any activities.

3. In response to the said submission, the learned counsel appearing for the petitioner has produced the proof document to show that it is regularly paying statutory levies and carrying on its activities.

4. It is a settled position of law that in the event of petitioner carrying on lawful activities, the police under the guise of inspection/verification, cannot disturb the petitioner association. Further, it is also the duty of the police to prevent the commission of offence.

5. Therefore, this Court in the light of the facts and circumstances, directs the 4th respondent, to take into consideration the said legal position as well as the provision of Chennai City Police Act, to consider and dispose of the petitioner's representation dated 01.09.2015 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

vsm

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
Greater Chennai,
Veppery, Chennai - 600 003.

2.The Deputy Commissioner of Police,
Washermenpet Police District,
Washermenpet, Chennai.

3.The Assistant Commissioner of Police,
Thondiarpet Range,
Thondiarpet, Chennai.

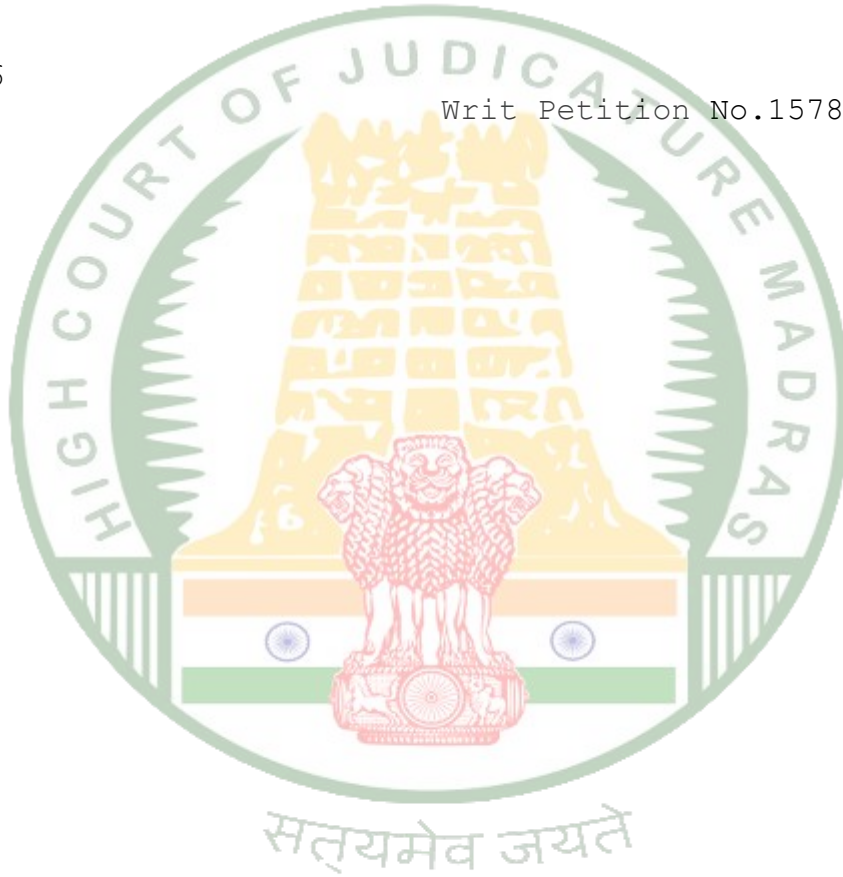
4.The Inspector of Police,
H-4, Korukkupet Police Station,
Korukkupet, Chennai.

+ 1 cc to Mr.K.Bommuraj, Advocate Sr 36392

+ 1 cc to The Govt.Pleader, Sr 36331

KR/13/7/16

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