

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15859 of 2016

Friends Sports Club,
rep by its Joint Secretary
K.Purushothaman
No.25, Nainiappan Naicken Street,
Chennai. Petitioner

Vs.

- 1.The Commissioner of Police,
Commissioner Office,
Egmore, Chennai.
- 2.The Deputy Commissioner of Police,
Washermenpet Range, Chennai.
- 3.The Inspector of Police,
H4 Police Station, Korkupet,
Chennai. Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus forbearing the respondents their men and subordinates from interfering with the day to day activities of the petitioners club situated at No.25, Nainiappan Naciken Street, Chennai except with the due process of law herein.

For Petitioner : Mr.O.Srinath

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

O R D E R

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

2. The petitioner would state that the petitioner club was established in the year 1965 and was also registered under the Societies Registration Act in Registration No.163/1965 with the objects of promoting and establishing friendship and goodwill towards each other and afforded facilities for games indoor as well as outdoor games like table tennis, carom, chess, playing cards and coaching

classes for volley ball, football and cricket etc. The grievance expressed by the petitioner is that the third respondent, under the guise of inspection, is repeatedly interfering with the regular activities of the petitioner club and in this regard, has submitted a representation dated 20.03.2016 to the respondents and despite that harassing continues and therefore, constrained to file this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 13.03.2015 made in W.P.No.5127 of 2015 (Kangayam Friends Club Vs. The Superintendent of Police, Tiruppur District and others) as well as the order dated 17.03.2015 made in W.P.No.6175 of 2014 [M/s.Relax Recreation Club Vs. The Superintendent of Police, Thiruppur District] and in the similar facts and circumstances, this Court has taken note of the earlier order dated 14.03.2012 made in W.P.No.6436 of 2012 disposed of the writ petition with the following conditions and it is relevant to extract hereunder:

"(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."

4. The learned counsel appearing for the petitioner would submit that the petitioner club is not indulging in any illegal or immoral activities affecting the law and order and public order. The said submission, on instruction, is also placed on record.

5. In the light of the facts and circumstances, this Writ Petition is disposed of as per the conditions extracted above. It is needless to state that if the petitioner club indulges in any illegal or immoral activities, it is open to the respondents/police officials to take action in accordance with the law. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Commissioner of Police,
Commissioner Office,
Egmore, Chennai.

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

3.The Inspector of Police,
H4 Police Station, Korkupet, Chennai.

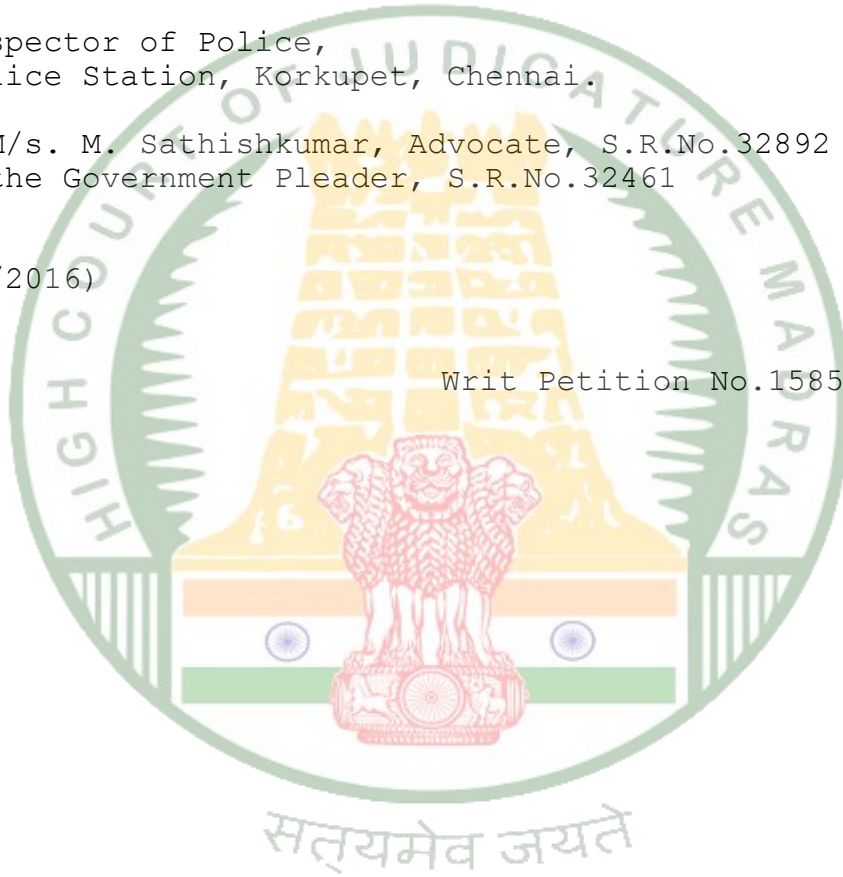
+1cc to M/s. M. Sathishkumar, Advocate, S.R.No.32892

+1cc to the Government Pleader, S.R.No.32461

SVI(CO)

EU(27/06/2016)

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