

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2016

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28070 of 2016
And
W.M.P.No.24222 of 2016

Harini Recreation Club,
Rep. by its Secretary Mr. G. Mohanraj ... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner,
Veppery, Chennai - 600 007.
2. The Joint Commissioner,
Chennai South,
Police Office Street, Binny Road,
St.Thomas Mount, Nizarathipuram,
Gandhi Nagar, Chennai- 600 016.
3. The Deputy Commissioner,
Mylapore range, Madhavapuram,
Chennai - 600 004.
4. The Inspector of Police,
E2 Royapettah Police Station,
Chennai - 600 014. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents from preventing the members of the Petitioner society in carrying on their activities, including playing of outdoor and indoor games like Rummy, chess etc., peacefully within the premises of the petitioner club.

For Petitioner : Ms.Rajeswari Karthikeyan

For Respondents : Mr.P.Sanjai Gandhi
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that it is registered under the Tamil Nadu Societies Registration Act, 1975 in SI.No.220/2016, dated 22.07.2016 and intends to start a Recreation Club at Door No.35/23, West Cott Road, Royapettah, Chennai - 600 014 and for that purpose, got the lease of the premises and when it intend to start the said Club, on 01.08.2016, the fourth respondent had approached the owner of the said premises and threatened him to cancel the lease granted in favour of the petitioner and in this regard, it has also made an oral complaint before the Commissioner of Police, Chennai city and since it is yet to be favoured with any kind of response, came forward to file this Writ Petition.

3. The learned counsel appearing for the petitioner would submit that in the event of permission being granted, no illegal or immoral activities will be there and the petitioner Club will strictly comply with all relevant norms and regulations and in the event of any violation being noticed, it is always open to the concerned authorities to take appropriate action, in accordance with law and prays for appropriate orders.

4. This court heard the submissions of Mr.P.Sanjai Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4, who would submit that admittedly, the Club is a Recreation Club and it is yet to be started and the allegations levelled against the fourth respondent are nothing but false and concocted and prays for dismissal of the Writ Petition.

5. This court has considered the rival submissions and also perused the materials placed before it.

6. The petitioner is vested with a Constitutional right to carry on business activities subject to due compliance, in accordance with law. If the respondents note that the petitioner, while carrying on its activities, is indulging in any illegal, immoral/ unlawful activities, it is always open to them to proceed against the petitioner, in accordance with law. It is also the duty of the Police to prevent the commission of the offence.

7. In the light of the reasons assigned above, the Writ Petition is disposed of and the petitioner can carry on its activities strictly, in accordance with the bye-laws as well as the relevant norms and regulations and if the respondents

notice any illegal, immoral, unlawful activities are carried on under the guise of recreational activities, it is always open to them to proceed against the petitioner, in accordance with law and take appropriate action. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rm/pri

To

1. The Commissioner of Police,
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+1cc to Ms.Rajeswari Karthikeyan, Advocate, S.R.No.45881

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VD(CO)
CA(22/08/2016)

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