

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33244 of 2016 &
WMP No. 28727 of 2016

M/s Anandam Cultural Association
rep. by its Secretary Nedunchehian ... Petitioner

vs.

1.The Superintendent of Police
Vellore District,
Vellore.

2.The Deputy Superintendent of Police
Gudiyatham,
Vellore District.

3.The Inspector of Police (Law & Order)
Pernambut Police Station
Pernambut, Vellore District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondents, their men, agents and officials from interfering with the legal activities of the petitioner club including playing of 13 cards game like Rummy with stakes whatever and also from harassing the members, guests or the members of the Management of the petitioner club in any manner.

For Petitioner :Mr.C.Prabakaran

For Respondents :Mr.P.Chinnadurai
Govt. Advocate

O R D E R

Heard Mr.C.Prabakaran, learned counsel is appearing for the petitioner and Mr.P.Chinnadurai, learned Government Advocate, appearing for the respondents and with the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for final disposal .

2.The petitioner is the Cultural Association, registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) and they have approached this Court alleging that there is constant interference of the Police Authorities and that should not be done, because, the petitioner Association is not carrying on any illegal activities and they are only permitting its members to play 13 cards game like Rummy without any stake, however, the petitioner's members are unnecessarily harassed.

3.The learned counsel for the petitioner referred to the order in the case of CHENNAI INDOOR SPORTS GAMES ASSOCIATION, REP. BY ITS SECRETARY v. THE COMMISSIONER OF POLICE & 2 ORS [W.P.No.12512 of 2016 dt 04.04.2016], stating that the Court has issued several directions in other matters which have been referred to and this Writ Petition may also be disposed on the same line.

4.However, I am not inclined to accept the said submissions, since there cannot be any blanket protection, as sought for by the petitioner. Admittedly, the relief sought for by the petitioner is a premature relief and that cannot be granted under Article 226 of the Constitution of India, as the relief sought for is similar to one of apprehension under section 438 of Cr.P.C. seeking anticipatory bail and the respondent Police should not take indiscriminate action against the members of the petitioner Association, but they are entitled to take action, if there are some verifiable material to the effect that the petitioner is carrying on some illegal activities.

5.Therefore, the respondent Police is directed not to harass the members of the petitioner Association, but, in the event they have any verifiable material to show that there is illegality committed, then it is open to the respondents to take action in accordance with law.

The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rpa

To

- 1.The Superintendent of Police
Vellore District,
Vellore.
- 2.The Deputy Superintendent of Police
Gudiyatham,
Vellore District.
- 3.The Inspector of Police (Law & Order)
Pernambut Police Station
Pernambut, Vellore District.

+1 CC to Mr. C. Prabakaran, Advocate Sr.No.54121

+1 CC to the Government Pleader, High Court, Madras, Sr.No.54478

W.P.No.33244 of 2016

MD : 07/10/2016

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