

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.35710 of 2016

The Royal Club of Tirupur,
Rep. by its Secretary,
No.447/56A, Vadivel Nagar,
Near Bharath Petroleum Bunk,
P.N.Road, Tirupur - 641 602.

.. Petitioner

- Vs -

1. The Commissioner of Police,
City Control, Tiruppur City.
2. The Deputy Commissioner,
City Control, Tiruppur City.
3. The Inspector of Police,
Anuppurpalayam Police Station,
Tiruppur.
4. The Sub Inspector of Police,
Anuppurpalayam Police Station,
Tiruppur.

.. Respondents

Prayer:- Writ petition filed under Section 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from interfering with the lawful activity of playing "Rummy" (13 cards) by the members of the petitioner Association.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Chinadurai

Government Advocate

O R D E R

The writ petition has been filed seeking a Mandamus, forbearing the respondents from interfering with the lawful activity of playing "Rummy" (13 cards) by the members of the petitioner's Association.

2. On 07.10.2016, when this matter came up for hearing, the learned counsel for the petitioner submitted that the 3rd respondent, under the guise of investigation/enquiry, is repeatedly barging into the premises and obstructing/disturbing lawful activities of the petitioner Club and hence, the petitioner came forward to file the present writ petition. Therefore, this Court directed the learned Government Advocate appearing for the respondents to file a report as regards the pendency of criminal cases, if any, against the petitioner's club.

3. Today, when this matter was taken up, the third respondent, Inspector of Police, Anupparpalayam Police Station submitted a report stating that for running the Bar, the petitioner has obtained FL.2 Licence, R.Dis.No.P&E2(1)/3859 / 2015, dated 21.08.2015. It is further stated in the report that according to the police records, within whose jurisdiction the petitioner's club is situated, no case has been registered against the petitioner's club for the past one year. It is further stated that the Club was started in the year 2007 and Bar licence has been obtained in the year 2015.

4. In view of the above, the writ petition is disposed of with the following conditions :

(i) The petitioner's club 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 club, inspect and take further action as per law;

(iii) The respondent police are advised not to disturb the petitioner's club frequently under the guise of inspection as it would disturb the peace and harmony of the petitioner's club;

(iv) The petitioner and the members of the petitioner's club 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 club by the Police. It is not permissible for the police to enter the petitioner's premises as a routine measure, so long as the club 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 club 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 club 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 club 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 club 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 club, in exercise of the powers conferred on the authorities, they should follow the principles of natural justice. The club should be given an

opportunity to submit their objections and if so desired, a further opportunity of personal hearing should also be given.

No costs.

Sd/-
Assistant Registrar

//True Copy//

To Sub Assistant Registrar

1. The Commissioner of Police,
City Control, Tiruppur City.
2. The Deputy Commissioner,
City Control, Tiruppur City.
3. The Inspector of Police,
Anuppurpalayam Police Station,
Tiruppur.
4. The Sub Inspector of Police,
Anuppurpalayam Police Station,
Tiruppur.

+1cc to Mr.C. Prakasam, Advocate, S.R.No.60415
+1cc to the Government Pleader, S.R.No.60590

vd (CO)
md (17/11/2016)

सत्यमेव जयते

W.P.No.35710 of 2016

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