



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2016

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.11094 of 2016

Friends Health Recreation Club,
Represented by its President,
P.Boominathan, A Registered Society,
Regn. No.36/2016, Door No.12/1909,
Ammankovil Street, Valatharavai Post,
Ramanathapuram Taluk,
Ramanathapuram District.

... Petitioner

-vs-

1. The Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the 2nd respondent herein from interfering with the lawful day-to-day activities of the petitioner association without following the due process of law.

For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, forbearing the 2nd respondent herein from interfering with the lawful day-to-day activities of the petitioner association without following the due process of law.

2. Learned counsel for the petitioner would submit that the petitioner club is registered under the Societies Registration Act having Regn.No.36 of 2016 on 17.03.2016 on the file of the Registrar of Societies, Ramanathapuram. The petitioner club is formed with an intention to encourage its members to develop their skills during leisure time in games, special sports like Kabadi,

Tennis, Basket Ball, Volley Ball and other indoor games.

2a. It is submitted that the petitioner club has been performing recreation activities in adherence to the rules and procedures. While that being so, the police personnel attached to the 2nd respondent are frequently visiting the petitioner club unnecessarily under the guise of inspection and because of this, the name of the petitioner club in the public is getting spoiled.

2b. It is also submitted that the petitioner club has sent a representation to the respondents on 16.06.2016, requesting them to look into this matter and instruct the 2nd respondent suitably in this regard. Even though the respondents have received the representation of the petitioner, they have not taken any action on the said representation. Hence, the petitioner has come forward with this writ petition.

2c. Learned counsel for the petitioner, by relying upon a decision of the Hon'ble Division Bench of this Court made in **The Director General of Police and 3 others vs. Mahalakshmi Cultural Association**, reported in **[2012 (2) CTC 484]**, would submit that in similar circumstances in the above said case, this Court allowed the respondent Association therein to run their club with certain conditions.

3. The learned Government Advocate (Crl.Side) has filed a counter affidavit, stating that there are 50 members in the Club, belonging to agricultural families and political parties; that on the information received by the police that gambling is going on in the Club, the 2nd respondent made an inspection in the club of the petitioner and that there is no intention on the part of the respondents to interfere in the activities of the petitioner club. Therefore, it is prayed that the petition is liable to be dismissed in limine.

4. Heard the learned counsel for the petitioner and learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Taking into consideration the fact that the Hon'ble Division Bench of this Court, in the similar set of facts, in the case of **The Director General of Police and 3 others vs. Mahalakshmi Cultural Association (supra)**, allowed the Association therein to continue their activities by imposing certain conditions, which has also been followed by a Single Judge of this Court in the case of **Royal Recreation Club, Pulvoipatti, Virudhunagar District vs. The Superintendent of Police, Virudhunagar and another [W.P. (MD) No.6442 of 2015] decided on 08.09.2015**, this Writ Petition is disposed of on similar lines with the following conditions:

i) The petitioner Club shall not indulge in any activity by allowing its members or the guests to indulge in gambling with stakes and make profit or gain;

ii) The Police are entitled to take action in the event of any illegal activity being carried on in the premises of the petitioner club;



iii) The police shall not disturb the petitioner club frequently under the guise of inspection without there being any reliable information as to the illegal activities of the petitioner club or its members or the guests. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram,
Ramanathapuram District.

+1cc to Mr.M.SUBASH BABU,ADVOCATE SR NO: 34708

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 35019

JA-GSV-PM/SAR.I/18.07.2016-3P:5C

W.P (MD) No.11094 of 2016
04.07.2016