



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD)No.11257 of 2016

K.Pandian

... Petitioner

-vs-

1. The District Collector,
Madurai District,
Madurai.

2. The Superintendent of Police,
Madurai District,
Madurai.

3. The Deputy Superintendent of Police,
Usilampatti, Madurai District.

4. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.

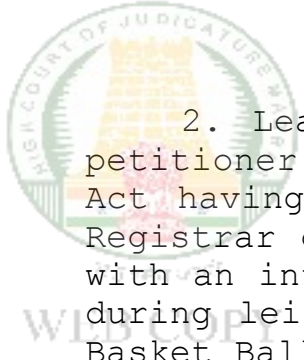
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to permit the petitioner's club, namely, Arivu Manamagil Mandram to function in Door No.2/165, Vadugapatti Road, Pappampatti, Vadugapatti Post, Usilampatti Taluk, Madurai District and consequently to forbear the respondents and its subordinate officials from interfering with the day-to-day activities of the Petitioner's Club without following the due process of law.

For Petitioner : Mr.M.S.Jeyakarthik
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, directing the respondents to permit the petitioner's club, namely, Arivu Manamagil Mandram to function in Door No.2/165, Vadugapatti Road, Pappampatti, Vadugapatti Post, Usilampatti Taluk, Madurai District and consequently to forbear the respondents and its subordinate officials from interfering with the day-to-day activities of the Petitioner's Club without following the due process of law.



2. Learned counsel for the petitioner would submit that the petitioner's club is registered under the Societies Registration Act having Regn.No.116 of 2014 on 01.08.2014 on the file of the Registrar of Societies, Periyakulam. 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's club has not been indulging in any kind of illegal activities in their club. While that being so, the police personnel attached to the 3rd respondent are frequently visiting the petitioner's club unnecessarily under the guise of inspection and because of this, the name of the petitioner's club in the public is getting spoiled. Apart from other games, the members of the petitioner's club are playing Rummy, which is not prohibited anywhere in the State of Tamil Nadu, whereas, what is prohibited is playing of rummy for stake alone and not otherwise. Further, there is neither any complaint nor case registered against the petitioner's club

2b. It is also submitted that the petitioner has sent a representation to the respondents 2 & 3 on 04.06.2016, requesting them to look into this matter and instruct the 4th respondent suitably in this regard to permit the petitioner to run the club. Even though the respondents 2 & 3 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 Additional Government Pleader has filed a counter affidavit of the 3rd respondent, wherein the averments made by the petitioner in the affidavit have been denied by the 3rd respondent; that the petitioner did not approach the 3rd respondent for any permission and the 3rd respondent at any point of time instructed the petitioner to close the club and that the allegation levelled against the 3rd respondent is baseless. Therefore, it is prayed that the present petition is liable to be dismissed in limine.

4. Heard the learned counsel for the petitioner and learned Additional Government Pleader and perused the materials available on record.



4a. Learned counsel for the petitioner submitted that license fees has been paid along with the application for license and it is for the respondent police to grant licence.

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.** Therefore, this Writ Petition is disposed of on similar lines with the following conditions:

i) The petitioner's Club shall not indulge in any activity by allowing its members or the guests to play rummy (13 cards) 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's club frequently under the guise of inspection without there being any reliable information as to the illegal activities of the petitioner's club or its members or the guests. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Madurai District,
Madurai.

2. The Superintendent of Police,
Madurai District,
Madurai.

3. The Deputy Superintendent of Police,
Osaiampatti, Madurai District.



4. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.

+1cc to Mr.M.S.Jeyakarthik, Advocate SR.No.34718
+1cc to special Government Pleader SR.No.35020

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W.P (MD) No.11257 of 2016
04.07.2016