

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 02.09.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA**W.P (MD) No.13934 of 2016****and****W.M.P (MD) No.10363 of 2016**

Inimai Manamahil Mandram
Reg.No.37/2015
represented by its
Secretary,
Siva

... Petitioner

Vs.

- 1.The Superintendent of Police
Madurai District
- 2.The Deputy Superintendent of Police
Thirumangalam, Madurai District
- 3.The Inspector of Police
Thirumangalam Police Station,
Madurai District.
- 4.The Sub Inspector of Police
E4 Sindupatti Police Station
Madurai District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to forbear the respondents from interfering with the lawful functions of the petitioner's club situated at 2/41, N.Ayyampatti Village, Nattarmangalam Post, Usilampatti Taluk, Madurai District, without any complaint or due process of law.

For Petitioner	: Mr.G.Marimuthu
For Respondent	:Mr.R.Karthikeyan
	Additional Government Pleader

O R D E R

Alleging that the respondent is interfering with the lawful functions of the petitioner's club situated at 2/41, N.Ayyampatti Village, Nattarmangalam Post, Usilampatti Taluk, Madurai District, the petitioner is before this Court.



2. Heard both sides.

3. The learned Counsel for the petitioner submitted that the petitioner is running the club after duly registering the same before the District Registrar under the provisions of the Tamil Nadu Societies Registration Act, 1975 and that the respondent has been interfering with the lawful functions of the club and causing hindrance to the day-to-day affairs of the club.

4. He further submitted that the issue involved in this writ petition is covered by the earlier order of this Court in **Everest Recreation Club, Aruppukkottai, rep. by its Secretary, M.Balamurugan, v. The Inspector of Police, Aruppukkottai Town Police Station, Virudhunagar District** [W.P(MD)No.17496 of 2014, decided on 30.10.2014] and prayed for passing similar orders in this writ petition also.

5. In **Everest Recreation Club, Aruppukkottai, rep. by its Secretary, M.Balamurugan, v. The Inspector of Police, Aruppukkottai Town Police Station, Virudhunagar District** [W.P(MD) No.17496 of 2014, decided on 30.10.2014], this Court has passed the following order:

"5. At this stage, the Learned Counsel for the Petitioner refers to the decision of this Court in Anandham Managagil Mandram, Kamachiamman Street, War No.18, Gudalore (Post) Uthamapalayam Theni District, Rep.by its Secretary, V.Elacham v. The Superintendent of Police, Office of the Superintendent of Police, Theni, Theni District and 2 others reported in (2009 (4) CTC 264), whereby and whereunder, in Paragraph 17, it is observed and held as follows:-

"16. Similar to the present Writ Petition, large number of writ petitions have been filed before this Court alleging harassment at the instance of the police in the lawful activities of the club and other recreational centres and as such, I am inclined to issue the following directions:-

(i) The petitioner and the members of the club are entitled to carry on 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;

(ii) In the normal circumstances, there should be no interference in the lawful functioning of the clubs by the police. It is



not permissible for the police to enter the club premises as a routine measure, so long as the clubs are functioning within the frame work of law;

(iii) 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;

(iv) 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

(v) It is always open to the club or its members to challenge the action taken by the police, if it was not in accordance with law;

(vi) In case the police authorities were 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

(vii) 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."

6. Following the same, this writ petition is disposed of, in the above terms. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(Crl.side)



To

1.The Superintendent of Police
Madurai District

2.The Deputy Superintendent of Police
Thirumangalam, Madurai District

3.The Inspector of Police
Thirumangalam Police Station,
Madurai District.

4.The Sub Inspector of Police
E4 Sindupatti Police Station
Madurai District

+1 cc to MR.G.MARIMUTHU, Advocate SR.No.50086

+1 cc to Special Government Pleader Sr.No.50180

W.P(MD)No.13934 of 2016

and

M.P(MD)No.10363 of 2016

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SMA/CK/4.11.2016:4P/7C