



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.20240 of 2016

and

WMP(MD)No.14508 of 2016

The Phoenix Recreation & Welfare Association,
Represented by its President,
P.Manoj,

... Petitioner

-vs-

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, forbearing the 2nd respondent herein from interfering with the day to day activities of the petitioner's association situated at No.95/2 Siluvathur Road, Chennai Complex, Dindigul District without following due process of law

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.K.P.Krishna Das
Government Advocate

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 day to day activities of the petitioner's association situated at No.95/2, Siluvathur Road, Chennai Complex, Dindigul District, without following the due process of law.

2.Heard the learned counsel for the petitioner and learned Government Advocate appearing for the respondents and perused the materials available on record.



3. Learned counsel for the petitioner would submit that the petitioner association is a Recreation Club registered under the Societies Registration Act having Regn.No.68 of 2016 on 12.09.2016 on the file of the Registrar of Societies, Dindigul; that there are 50 members in the roll of the petitioner club, which is formed for the purpose of encouraging its members in games and sports activities, preparation of its members and their children to participate in tournaments, besides conducting both indoor and outdoor games like Kabadi, Tennis, Basket Ball, Volley Ball and Rummy with stakes.

3.1. It is submitted that the petitioner association is not affiliated to any political party and has been performing recreational activities within four corners of law and in strict compliance of the rules and procedures without causing any disturbance to the general public. While that being so, the police personnel attached to the 2nd respondent visited the club on 09.10.2016 under the guise of inspection and have been unnecessarily interfering with the activities of its members.

3.2. 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.

4. The learned Government Advocate, on instructions, would submit that the petitioner Association has been using the club for gambling activities and therefore, there is a lawful action on the side of the Police; that the 2nd respondent made a spot inspection in the club of the petitioner so as to ascertain the exact location of it; that there is no harassment either to the petitioner or to its members except by following due process of law and the members playing cards were alone enquired; and that the main object of the petitioner Association is to allow its members to play Mangatha and Ulley Veliyey with money and that the members were playing cards by placing stakes. Therefore, it is prayed that the petition is liable to be dismissed in limine.

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

5. Even though several allegations have been made on the side of the respondents, there are no materials produced on the side of the respondents to prove the same. Therefore, 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 association 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 association;

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

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To,

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.

+1 cc to MR.D.S.HAROON RASHEED, Advocate SR.No.64068

+1 cc to Special Government Pleader SR.No.64759

W.P. (MD) No.20240 of 2016

26.10.2016

SMA/SK-SKN/10.11.2016:3P/5C