



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALAW.P.(MD)No.5973 of 2016

Pushpathur Kongu Malar Cultural Association
Rep. By its President P.Mani,
S.F.No.70/1, Pushpathur Post,
Pushpathur, Palani Taluk,
Dindigul District.

... Petitioner

-vs-

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Neykkarapatti Police Station,
Dindigul District.
3. The Sub-Inspector of Police,
Saminathapuram Police Station,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 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.K.Gokul
For Respondents: Mr.D.Muruganandam
Addl. Govt. Pleader

O R D E R

The writ petition has been filed 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.

2. Learned counsel for the petitioner would submit that the petitioner association is registered under the Societies Registration Act having Regn.No.75 of 2015 on 07.09.2015 on the file of the Registrar of Societies, Virudhunagar. The petitioner association is formed for the purpose of carrying on the activities like public welfare schemes, free medical aid, free legal aid, free welfare schemes to physically challenged persons, besides allowing its members to play games (both indoor and outdoor games) like Volley Ball, Badminton, Hockey, Kabadi etc., and also chess, carom board, cards, table tennis etc; that an exception has been made in Section 49, wherein the provisions of Section 42 to 48 of the Act made inapplicable to games of mere skill and one such game of skill is Rummy.



2a. It is submitted that the members of petitioner association are not allowed to play "Mangatha" or "Ulle Veliye" inside the premises, which is evidence from the CCTV camera installed inside the premises. While that being so, the police personnel attached to the respondents are frequently visiting the petitioner association unnecessarily under the guise of inspection and interfering with the activities of its members.

2b. 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, stating that it has not been mentioned in the affidavit whether any permission or license was obtained for running such a venture from the competent authorities; that the 3rd respondent made a secrete inspection in the club of the petitioner on 05.01.2016, during which, it was found that the members were playing cards by placing stakes and a sum of Rs.48,200/- was found on the table; that a case in Crime No.5 of 2016 under Sections 8 & 9 of Public Gambling Act, 1867, was also registered; that the petitioner is running the association without licence to run such recreation club; that the petitioner and his Association members were not at all harassed by the 3rd respondent, except by following due process of law and that on prior intelligence that gambling is going on in the petitioner's club, the 3rd respondent went to the spot, traced out all the gambling activities and registered a case and that the accused were also arrested and produced before the learned Judicial Magistrate, Palani. Therefore, it is prayed that the 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 fee 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, 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.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To:

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Neykkarapatti Police Station,
Dindigul District.
3. The Sub-Inspector of Police,
Saminathapuram Police Station,
Dindigul District.

+1CC to M/S. K.Gokul, Advocate, SR.No. 31440

W.P(MD) No.5973 of 2016
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