

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.19161 OF 2017

ORDER:

Heard Mr.P.Prabhakar Rao, learned counsel for petitioners, Mr.Sharath, learned Government Pleader for respondents 1 to 4, Mr.D.Prakash Reddy, learned senior counsel and Mr.P.Nagi Reddy Caveator.

The petitioners pray for Mandamus declaring the action of respondents 2 to 4, particularly the decision of 2nd respondent in seizing the premises of Public Club, Suryapet, Suryapet Town, taking away the books and records of Public Club and addressing letter dated 23.05.2017 to 5th respondent preventing the Executive Committee to operate the Bank account with 5th respondent, as arbitrary, illegal and unconstitutional.

At request of learned Government Pleader, the writ petition was adjourned to get instructions in the matter and place the record seizing the premises of Public Club, Suryapet. The 2nd respondent has placed the record for perusal of this Court. The 2nd respondent does not dispute that the Club Premises was seized, but the explanation offered by 2nd respondent is that the 2nd respondent in his capacity as Ex-officio President of Public Club seized the premises and admits to have communicated letter dated 23.05.2017 to 5th respondent calling upon the 5th respondent not to permit the Executive Committee members of the Club to operate the Bank account.

Learned Government Pleader at the outset has clarified that the 2nd respondent in his status and position as Revenue Divisional

Officer *per se* has not effected seizure or communicated letter dated 23.05.2017 to 5th respondent, but he tried to justify that having regard to a few illegal and objectionable activities going on in the Public Club which are not controlled by persons at the helm of affairs and that the injunction granted by the trial Court in O.P. No.281 of 2015 was not extended, therefore, to prevent continuation of such illegal and objectionable activities, in his capacity as Ex-Officio President seized the premises and also addressed letter dated 23.05.2017 to 5th respondent. He has fairly conceded that even in his power as Ex-Officio President, the bye laws do not authorise the Ex-Officio President to go that far and disturb the day-to-day activities of the Public Club. It is contextual to refer that the petitioners deny that the activities at the club are objectionable or illegal and the respondents assert that illegal and objectionable activities are carried on by a few members of the Club beyond the permissible hours and continuing till wee hours of next day. Such things if are allowed to happen, the same is matter of concern. It is matter of introspection and for corrective decision by the people at the helm of affairs. Since the learned Government Pleader admits that the seizure as well as communication is unauthorised, he agrees to remove the seizure effected on 11.05.2015, return the books taken from the custody of petitioners and also address letter to 5th respondent suitably forthwith. The statement is placed on record and two days time is given to comply with the statement made by the learned Government Pleader. Normally, this Court would have certainly disposed of the writ petition by placing on record the statement of learned

Government Pleader. After perusing the record, this Court is of the view that all is not well with the functioning of the Club. Therefore, the matter requires consideration and decision by the General Body of the Club to regulate its activities, take such further decision or decisions as warranted to keep intact the reputation of the Club. The petitioners to stay clear from all controversies agree to conduct General Body Meeting on 25.06.2017. To that effect, the 1st petitioner has filed Memo W.P.U.R. 17969 of 2017 and the Memo is taken on file. Learned counsel appearing for respondents have made a few suggestions. After hearing both counsel and with their consent, the following further directions are issued:

- a) The petitioners, as undertaken through Memo dated 16.06.2017, conduct General Body Meeting of members of Public Club on 25.06.2017 at 11.30 a.m.
- (b) The petitioners as undertaken in the Court take a decision for constituting a committee to oversee the working of the Public Club and for conducting elections of the club. For the present, the members who are enrolled as on 01.05.2015 are invited as members in the meeting and as regards the members who are enrolled or admitted after 01.05.2015, the details of such members may be brought to the notice of the General Body and if General Body takes a decision permitting the new members, such new members can also be allowed to participate in General Body Meeting. The resolution made in the General Body Meeting has to be implemented promptly without fail by all including the petitioners.
- (c) Respondents 2, 3 and 4 have already received preliminary information on the illegal or objectionable activities taking place in

the Club. The very use of words 'illegal' or 'objectionable' against such commission or omission activities pre-supposes that the officers in their official capacity can set in motion appropriate action, if circumstances warrant, take stringent action and prevent recurrence of such illegal and objectionable activities. It is needless to observe that the officers are also free to register cases under IPC etc., and take the registered cases to logical conclusion. As learned counsel have consented for disposing of the writ petition with the above directions, though a few aspects are raised by both sides, this Court is refraining from referring to those facts.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 16.06.2017

Note:

Issue CC forthwith

Sp

S.V. BHATT, J

