

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 3653 of 2013

S.Bhubaneswari,
The Secretary,
Benze Vacation Club,
No.10/8, Muthiayya Udayar Street,
Telungupalayam,
Coimbatore.

... Petitioner

Vs

1.The Commissioner of Police,
Commissioner Office,
Coimbatore.

2.The Inspector of Police,
B-10, Selvapuram Police Station,
Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 1st respondent issued in na.ka.no.d1/11724/2012, dated 18.01.2013 and quash the same and consequently direct the 1st respondent to issue permission to run the club in favour of the petitioner forthwith.

For Petitioner : Mr.I.Abrar Md Abdullah

For Respondents : Mrs.A.Shrijayanthi
Special Government Pleader

for RR 1& 2

O R D E R

The order of rejection passed by the Commissioner of Police in proceedings dated 18.01.2013 for grant of permission to run a Vacation Club is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is the Secretary of Benze Vacation Club developed for the purpose of providing social activities and extra curricular activities among its members. The writ petitioner submitted an application seeking permission and licenses for the purpose of running the club and to continue its social activities. The Commissioner of Police declined to grant such permission and issued an order in proceedings dated 18.01.2013. The Impugned order states that one Mr.Saravanan was the Managing Director of the Club and against him, criminal cases were pending during the relevant point of time. Thus, the permission sought for as such cannot be granted. Challenging the same, the present writ petition has been filed.

3. The Learned Special Government Pleader disputed the grounds raised by the writ petitioner by stating that the Managing Director of the said Club was facing criminal cases and there were lot of allegations against the activities of the Club. Under those circumstances, the Commissioner of Police rejected the application submitted by the writ petitioner seeking permission. Thus, there is no infirmity as such.

4. The Learned Special Government Pleader further brought to the notice of this Court that even in respect of the very same Benze Vacation Club recently, a criminal case was registered by the Chennai Police also and the organizers and the office bearers of the Club were arrested and the investigations are in progress. This being the submission made on behalf of the respondents, this Court of an opinion that it is for the writ petitioner to establish the genuinenity and bonafide activities being conducted by the Club and in the event of filing any such further application by the writ petitioner, the same shall be considered on merits in accordance with law. It is needless to state that while considering the application if any, submitted by the writ petitioner the respondents have to conduct a detailed enquiry and verify the nature of the social activities being performed by the members of the Club and thereafter take a decision and pass orders.

5. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Commissioner Office,
Coimbatore.

2.The Inspector of Police,
B-10, Selvapuram Police Station,
Coimbatore.

+1cc to Mr.V.Sakkarapani, Advocate sr.72512

+1cc to the Government Pleader sr.72439

W.P.No.3653 of 2013

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srg 16/11/2018



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