

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30834 of 2013

and

M.P.No.1 of 2013

S.R.Sports and Recreation Club,
Rep.by its President,
Pandiyan S/o.Perumal,
1419, Jawaharlal inner ring road,
Kolathur Chennai - 600 099.
(cause title amended as per order dated
27.06.2014 in M.P.No.1/2014
in W.P.No.30834/2013)

..Petitioner

vs

- 1.The Director General of Police,
Police head quarters,
Chennai - 600 005.
- 2.The Commissioner of Police,
Greater Chennai Commissioner's Office,
Egmore, Chennai.
- 3.The Joint Commissioner of Police,
North Range, B-1, North beach police station,
Chennai - 600 001.
- 4.The Deputy Commissioner of Police,
M-1, Madavaram Police Station, Madavaram,
Chennai.
- 5.The Assistant Commissioner of Police,
M-1, Madavaram Police Station, Madavaram,
Chennai.
- 6.The Inspector of Police,
M-1, Madavaram Police Station, Madavaram,
Chennai.

7.C.Balakrishnan
(R7-Impleaded as per order dated 27.06.2014
in M.P.No.2/2014 in W.P.No.30834/2013)

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering in any manner in the activities of the petitioner's association including playing 13 cards game like Rummy with or without stakes whatever and also from harassing the members, the guest or the members of the management of the petitioners association in any manner.

For Petitioner : Mrs.R.C.Paul Kanagaraj

For Respondents : M/s.A.Srijayanthi,
Spl GP for R1 to R6
Mr.Jose Anand Singh for R7

O R D E R

The relief sought for in this writ petition is to forbear the respondents from interfering in any manner in the activities of the petitioner's association including playing 13 cards game like Rummy with or without stakes whatever and also from harassing the members, the guest or the members of the management of the petitioner's association in any manner.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is S.R.Sports and Recreation Club and conducting games and other related activities in a lawful manner.

3.The grievances of the writ petitioner's association is that, on 30th October 2013, the respondents without any reason, disturbed and threatened the members of the petitioner's association and further restrained them from performing the lawful activities. Thus, the writ petitioner's association is constrained to move the present writ petition.

4.However, the writ petition was filed on 12th November 2013 and the allegations set out in the writ petition is that on 30th October 2013, the respondent Police interfered and disturbed the activities of the petitioner's association. The learned counsel for the petitioner states that the petitioner's association is functioning strictly in accordance with the by-laws and abiding the law of the land. Therefore, there is no reason to interfere with the activities of the petitioner's association.

5.The learned Special Government Pleader appearing on behalf of the respondents made a submission that the respondent Police have every authority to conduct searches and inspections under the provisions of the Criminal Procedure Code, if they received any information in respect of certain illegal activities or

otherwise. Therefore, the power conferred on the public authorities cannot be diluted and in the event of receiving any information in respect of any illegal activities, then the Police has got powers under Sections 90, 100, 101 & 102 of the Criminal Procedure Code. The power of the competent authorities in this regard cannot be taken away nor the writ petitioner can get an order preventing such authorities from exercising their powers under law.

6.This Court is of an opinion that undoubtedly, the rights of the writ petitioner's association are also to be protected in accordance with Law. However, the petitioner's association also must ensure that their association activities are conducted in a legal manner and in accordance with law. If the respondent Police got any information that some legal activities are going on in an association or in any other premises, then they have got a duty to conduct search and find out if there is any illegal activities are going on or not. Such a power conferred under the Code of Criminal Procedure, cannot be taken away.

7.Thus, it is made clear that the writ petitioner's association is bound to conduct their activities in the manner known to law and the respondents are also need not disturb unnecessarily without any information in respect of any illegality and irregularity and in the event of any such illegality or irregularity, then alone the Police has got power to conduct search and interfere in the activities and take action in accordance with law.

8.With these observations, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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1. The Director General of Police,
Police head quarters,
Chennai - 600 005.
2. The Commissioner of Police,
Greater Chennai Commissioner's Office,
Egmore, Chennai.

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3. The Joint Commissioner of Police,
North Range, B-1, North beach police station,
Chennai - 600 001.

4. The Deputy Commissioner of Police,
M-1, Madavaram Police Station, Madavaram,
Chennai.

5. The Assistant Commissioner of Police,
M-1, Madavaram Police Station, Madavaram,
Chennai.

6. The Inspector of Police,
M-1, Madavaram Police Station, Madavaram,
Chennai.

+lcc to Mr.L.Infant Dinesh, Advocate, S.R.No.45673
+lcc to the Government Pleader, S.R.No.46579

W.P.No.30834 of 2013

CS/19/07/18



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