

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.15813 of 2018

&

WMP.No.23571 of 2018

K.A.Arumugam

...Petitioner

Versus

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode, Erode District.
2. The Deputy Superintendent of Police,
Sathyamangalam, Erode District.
3. The Inspector of Police,
Bungalow Pudur Police Station,
Bungalow Pudur,
Erode District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from in any manner interfering with the affairs of the petitioner's club Thendral Recreation Club as S.L.No.5/2018 situated at D.G.Pudur, Erode District or its members including the facilities provided for playing various games including the game of rummy not involving any element of gambling.

For Petitioner

: Mr.P.Kannan Kumar

For Respondents

:Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, forbearing the respondents from in any manner interfering with the affairs of the petitioner's club Thendral Recreation Club as S.L.No.5/2018 situated at D.G.Pudur, Erode District or its members including the facilities provided for playing various games including the game of rummy not involving

any element of gambling.

2. Learned Counsel appearing for the petitioner submitted that the 3rd respondent has summoned the members of the club and warned them not to allow their members to play rummy though the office bearers explained to them that the said Club was established only for general welfare of the public, particularly, for the welfare of its members and playing the game of rummy by its members is one of the entertainments for the members. The learned Counsel further submitted that due to the interference of the respondents, the petitioner's club is not in a position to carry out the lawful activities that being carried on. In this regard, the petitioner has submitted a representation dated 06.06.2018 to the respondents 1 and 3 praying them to advise the local police not to interfere in the routine activities of the club. Thereafter also, on 19.6.2018, the 3rd respondent called upon the petitioner and once again warned the President. Therefore, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Mr.V.Jayaprakash, learned Special Government Pleader takes notice for the respondents.

4. Considering the facts and circumstances of the matter, this Court is of the view that before going for inspection to any club, a register should be maintained containing entries about the same in the police station and the officials below the rank of Inspector of Police should get approval of the higher officials for such visit or inspection. That apart, while doing any inspection, it shall be video-graphed properly and kept it with the police diary. Even in the case of Inspector of Police/Station House Officer, he should also record probably their future visit to that particular club or restaurant. That apart, the respondents can proceed as it has been repeatedly held by this Court in various orders. One such order was made in W.P.No.8463/2018 dated 12.4.2018 in which the following specific directions were made :

''(iii). If the Police authorities have specific information or reasonable doubt that the activities carried on by the club or its members are not in accordance with law or they indulge in unlawful activities in violation of the provisions of the Public Gambling Act, 1867/Tamil Nadu Gaming Act, 1930 or any other enactment, it would be open to them, after recording reasons in the General Diary maintained in the Police Station, to proceed to enter the club premises, conduct investigation, interrogate those who involve themselves in such activities and take appropriate action on merits and as per law

(iv). While exercising the powers conferred on the Police authorities, they should follow the mandatory provision as contained in Section 5 of the Tamil Nadu Gaming Act, 1930/Public Gambling Act, 1867?

The respondents have to follow the said directions also.

5. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode, Erode District.
2. The Deputy Superintendent of Police,
Sathyamangalam, Erode District.
3. The Inspector of Police,
Bungalow Pudur Police Station,
Bungalow Pudur,
Erode District.

+1cc to Mr.P.Kannankumar, Advocate, S.R.No.53786

+1cc to the Government Pleader, S.R.No.54040

W.P.No.15813 of 2018

GJ(CO)
GSP(20/08/2018)