

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29444 of 2018

K.Ganesan,  
S/o.Kanthappan,  
Secretary, Mettur Sports & Recreation Club,  
D.No.108/19, Kuppanna Kounder Street,  
Karumalaikoodal, P.N.Patty,  
Mettur, Mettur Dam, Salem,  
Tamilnadu-636 402. ... Petitioner

Vs.

1. The Superintendent of Police,  
District Police Office, Nethimedu,  
Salem-636 002.
2. Deputy Superintendent of Police,  
District Police Office,  
Mettur Dam, Mettur  
Salem-636 002.
3. The Inspector of Police,  
Karumalaikudal Police Station,  
Thoppur Dam-Bhavani Erode Road.  
Salem-636 402. .. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from interfering with the peaceful and lawful activities of club in the name of "Mettur Sports and Recreation Club" with its premises at No.196, Guruvaak Katu, Puthu Sampalli, Virakkal Pudhur, Mettur Dam, Salem, Tamilnadu-636 402, by considering his representation dated 06.08.2018 in the light of the directions issued in Director General of Police, State of Tamil Nadu Vs. Mahalakshmi Cultural Association reported in 2012 (2) CTC 484.

|                 |   |                                                 |
|-----------------|---|-------------------------------------------------|
| For Petitioner  | : | Mr.R.John Sathyan                               |
| For Respondents | : | Mr.E.Balamurugan,<br>Special Government Pleader |

## O R D E R

The prayer in this writ petition is to forbear the respondents from interfering with the peaceful and lawful activities of the petitioner's club by considering their representation dated 06.08.2018 in the light of the directions issued in Director General of Police, State of Tamil Nadu V. Mahalakshmi Cultural Association, reported in 2012 (2) CTC 484.

2. Heard Mr.R.John Sathyan, learned counsel appearing on behalf of the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents.

3. The petitioner club claims to be registered under the Tamil Nadu Societies Registration Act, 1975, on 11.06.2018 with the objectives of promoting sports activities among the students and doing other charitable and philanthropic activities. The members of the Club are allowed to play indoor games, including rummy. It is claimed by the petitioner that though the rummy game is not prohibited one, as frequent raids are being conducted by the respondents in similar Clubs in the District, which would cause interference with the affairs of the club, the petitioner is before this Court.

4. Placing reliance on a Division Bench judgment of this Court in Director General of Police, State of Tamil Nadu Vs. Mahalakshmi Cultural Association reported in 2012 (2) CTC 484, learned counsel for the petitioner submitted that playing rummy without stakes is not prohibited one. Learned counsel also contended that the entire premises is under the surveillance of CCTA Cameras and they will produce the back up, if the respondents want to verify the activities.

5. The learned Special Government Pleader submitted that the respondents shall not interfere with the affairs of the club, if the activities of the club are lawful.

6. This Court in a similar order dated 05.03.2012 in W.P.No.2972 of 2012 gave certain directions, i.e., directions (a) to (j). When the matter was taken in appeal in W.A.No.296 of 2013, a Division Bench of this Court vide the judgment dated 06.10.2017 set aside the directions (a) and (e). Similarly, the directions issued by a Division Bench of this Court in Mahalakshmi Cultural Association's case (cited supra), are also helpful to the facts of the case. Since the issue is covered by the above referred judgments, this writ petition could also be disposed of in terms of the order made in W.P.No.2972 of 2012 dated 05.03.2012, as modified in W.A.No.296 of 2013 dated 06.10.2017 and the judgment reported in 2012 (2) CTC 484.

7. Accordingly, this writ petition is disposed of with the following directions :

(a) The petitioner Club is permitted to allow the visitors to play indoor/outdoor games and there should not be any gambling activities.

(b) The respondents shall not interfere with the affairs of the club, if the conduct of the games is in tune with the directions of this Court and as per the provisions of the Public Gambling Act, 1867.

(c) The petitioner shall maintain CCTV Cameras inside the Club area, where gaming facilities are provided and record everyday's activities. Whenever the respondents receive complaints or input of gambling, instead of visiting the Club directly, the respondents may direct the Club to produce the CCTV footage, based on which the respondents may take action in accordance with law.

(d) It is the responsibility of the petitioner Club to provide CCTV footage intact, after retaining a copy for their reference. Installation of such CCTVs may be done as per instructions from the respondents, in accordance with the guidelines.

(e) It is open to the respondents to take action against the petitioner Club, in accordance with law, if there is specific input or reasonable doubt, by entering into the club.

(f) The respondents, while exercising the powers, should follow the mandatory provisions as enumerated in Section 5 of the Tamil Nadu Gaming Act, 1930 / Public Gaming Act, 1867.

There shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg

To

1. The Superintendent of Police,  
District Police Office, Nethimedu,  
Salem-636 002.

2. Deputy Superintendent of Police,  
District Police Office,  
Mettur Dam, Mettur  
Salem-636 002.

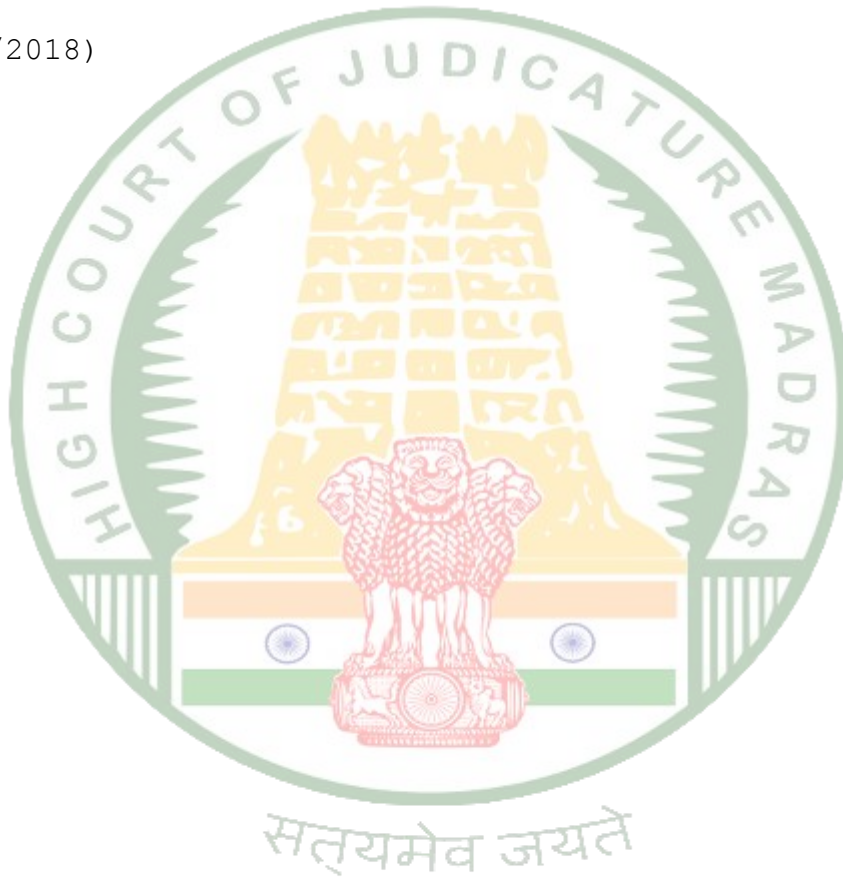
3. The Inspector of Police,  
Karumalaikudal Police Station,  
Thoppur Dam-Bhavani Erode Road,  
Salem-636 402.

+1cc to Mr.R.John Sathyan, Advocate, S.R.No.79893

+1cc to the Government Pleader, S.R.No.80478

W.P.No.29444 of 2018

RK(CO)  
GSP(13/12/2018)



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