

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29787 of 2018

N.Jagatheeswaran,  
Secretary, Players Club Tirupur,  
3/4, M.S. Complex,  
Uthukuli Main Road,  
Mannarai (Near Check Post),  
Tirupur-641 607.

.. Petitioner

Vs.

1. The Commissioner of Police,  
Tirupur City, Tirupur.

2. Inspector of Police,  
North Police Station,  
Tirupur City, Tirupur.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from in any manner interfering with the affairs of the petitioner's club - The Players Club Tirupur, 3/4, M.S.Complex, Uthukuli Main Road, Mannarai (Near Check Post), Tirupur-641 607, or its members including the facilities provided for playing various games including the game of playing rummy not involving any element of gambling.

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For Petitioner :Mr.C.S.Saravanan

For Respondents :Mr.E.Balamurugan,  
Special Government Pleader

O R D E R

The prayer in this writ petition is to forbear the respondents from in any manner interfering with the affairs of the petitioner's club, including the facilities provided for playing various games not involving any element of gambling.

2. Heard Mr.C.S.Saravanan, 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 15.10.2018 filed this writ petition just after a fortnight seeking the aforesaid direction. According to the petitioner club, its motto is to train youth to cope up in modern society and to promote sports. 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, the respondents directed the petitioner Club not to allow the members to play rummy and causing frequent interference with the affairs of the club.

4. Placing reliance on a number of orders of this Court, learned counsel for the petitioner submitted that playing rummy is not prohibited one.

5. The learned Special Government Pleader submitted that the respondents has given a mere direction to the petitioner Club not to allow the visitors to play rummy with stakes and they 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). 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.

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 install 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.

However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner of Police,  
Tirupur City, Tirupur.
2. The Inspector of Police,  
North Police Station,  
Tirupur City, Tirupur.

+1 CC to Mr.C.S.Saravanan, Advocate sr 80061

W.P.No.29787 of 2018

CNR(CO)  
SP(20/12/2018)

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