

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30277 of 2018
and WMP No.35335 of 2018

Annai Manamaghizh Mandram

Rep. By its Secretary A.Kasper,
No.2/2, Kummalamman Koil Street,
Tondiarpet, Chennai 600 081.

.. Petitioner

Vs.

1. N-1, The Assistant Commissioner of Police,
Royapuram, Chennai 600 013.

2. N-2, Inspector of Police (L & O),
Kasimedu, Chennai 600 013.

3. H-5, Deputy Commissioner of Police,
Washermenpet, Chennai 600 081.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from interfering in the legitimate activities of the petitioner Annai Manamaghizh Mandram, and also from harassing the members, guest or the management.

For Petitioner : Mr.A.Thiagarajan, SC
for M/s.M.Nallathambi

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 in the legitimate activities of the petitioner's Society, and also from harassing the members, guest or the management.

2. Heard Mr.A.Thiagarajan, learned Senior Counsel appearing for M/s.M.Nallathambi, for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents.

3. The petitioner claims to be a registered Society under the Tamil Nadu Societies Registration Act, 1975, on 04.03.2015. According to the petitioner, its objects are uniting all the people in all walks of life and spend their leisure time useful one and help each other. The members of the Society are allowed to play sports, games oratorical competitions, develop General Knowledge, create libraries, give health assistance and encourage self employment, etc. It is claimed by the petitioner that the respondents very often enter into the petitioner's premises and prevent the free, peaceful functionalities or recreational activities. It is further claimed by the petitioner that when the police authorities were mechanically very often interfering in the activities, the petitioner filed a Writ Petition in W.P.No.8025 of 2015 praying for similar relief. By an order dated 23.03.2015, this Hon'ble Court imposed restrictions on the petitioner and the petitioner strictly following the conditions imposed by this Court. Again the respondents causing frequent interference with the affairs of the club.

4. The learned Special Government Pleader submitted that the respondents has given a mere direction to the petitioner Society not to indulge in any illegal activities and they shall not interfere with the affairs of the petitioner, if the activities are lawful.

5. 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 Society 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 Society, 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 its premises, 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, in accordance with law, if there is specific input or reasonable doubt, by entering into their premises.

(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. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

jv

To

1. N-1, The Assistant Commissioner of Police,
Royapuram, Chennai 600 013.
2. N-2, Inspector of Police (L & O),
Kasimedu, Chennai 600 013.
3. H-5, Deputy Commissioner of Police,
Washermenpet, Chennai 600 081.

+1cc to Mr.M.Nallathambi, Advocate SR.No.86945

+1cc to Government Pleader SR.No.87475

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AD(CO)
GMY(23/01/2019)