

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30402 of 2018

and

W.M.P.No.35469 of 2018

P.Udayakumar,
S/o.Pandian, President,
Tamilan Recreation Club,
129/1, 46-Pudur,
Modakurichi Taluk,
Erode District.

..Petitioner

Vs.

1. The Superintendent of Police,
Erode District.

2. The Inspector of Police,
Modakurichi Police Station,
Erode District.

.. Respondents

* * *

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents or their men or agents from in any manner interfering with the affairs of the Tamilan Recreation Club, situated at 129/1, 46-Pudur, Modakurichi Taluk, Erode District, or its members including the facilities provided for paying various games including the game of playing Rummy not involving any element of gambling by considering the petitioner's representation dated 28.09.2018.

For Petitioner : Mr.I.C.Vasudevan

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

O R D E R

The prayer in this writ petition is to forbear the respondents and their subordinates from in any manner interfering with the affairs of the petitioner's Club, by considering their representation dated 28.09.2018.

2. Heard Mr.I.C.Vasudevan, 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 a registered under the Tamil Nadu Societies Registration Act, 1975 on 24.07.2018. According to the petitioner club, its objective is to promote friendship. 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 third respondent unnecessarily visiting their premises and interfering their normal functioning. Hence, the petitioner is before this Court with the aforesaid prayer.

4. 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.

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.

6. 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, including rummy without stakes, 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. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Erode District.
2. The Inspector of Police,
Modakurichi Police Station,
Erode District.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.79655

+1cc to The Government Pleader, S.R.No.79594

W.P.No.30402 of 2018

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kak(27/12/2018)

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