

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated :04.12.2018

CORAM
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31889 of 2018
&
W.M.P.No.37121 of 2018

Salem Samriddhi Sports Club,
Regn.No.218/2018,
Rep by is President,
S.Sankar Ganesh,
Son of Sardhar,
No.150, Anna Nagar 3rd Street,
Mamangam, Salem,
Salem District-636 302.

.... Petitioner

Vs.

- 1.The Commissioner of Police,
Salem city, Salem.
- 2.The Deputy Commissioner of Police, (L & O),
Sangagiri Main Road, Linemedu,
Salem-6.
- 3.The Assistant Commissioner of Police,
Intelligence Wing, (I.S),
Office of the Commissioner of Police,
Linemedu, Salem.
- 4.The Assistant Commissioner of Police, (L&O),
West Zone, Salem, Salem District.
- 5.The Inspector of Police, Intelligence Wing (I.S),
Office of the Commissioner of Police,
Linemedu, Salem.
- 6.The Inspector of Police,
Sooramangalam Police Station,
Sooramangalam, Selam.

....Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents herein from preventing the members of the petitioner's club playing the game of Rummy along with Carom Board, Table Tennis, Chess, Gym, Billiards and Library at No.150, Anna Nagar 3rd Street, Mamangam, Salem, Salem District-636 302.

For Petitioner : Mr.R.Chakkaravarthy

For Respondents: Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

Heard, Mr.R.Chakkaravarthy, the learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, the learned Special Government Pleader, who accepts notice on behalf of the respondents.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. This petition has been filed seeking for issuance of a Writ of Mandamus forbearing the respondents herein from preventing the members of the petitioner's club playing the game of Rummy along with Carom Board, Table Tennis, Chess, Gym, Billiards and Library at No.150, Anna Nagar 3rd Street, Mamangam, Salem, Salem District.

4. On perusal of the materials available on record, it is seen that the petitioner's Club itself was registered under the Societies Registration Act on 19.11.2018, whereas, the writ petition is filed on 28.11.2018. Though in paragraph no.4 of the affidavit, it is stated that the respondent police along with their team periodically visiting the Petitioner's club in the evening hours, under the guise of enquiry and threatening the members that they would be arrested on charges of Gambling and informed as not to carry on any individual games particularly, the playing cards, rummy etc. the affidavit is bereft of any particulars as to the said allegation, viz., date or time etc.

5. The learned Special Government Pleader appearing on behalf of the respondents states that the Club is not yet opened and the allegations of the alleged threat by the respondents are vague and unwarranted.

6. The Sub Inspector of Police, Sooramangalam Police Station, Sooramangalam, Salem is present before this Court, and has given a letter to the Special Government Pleader dated 04.12.2018, wherein, it is stated that on his personal inspection to the premises, where the club is housed, there is only a Godown belonging to one Jeeva and there is no sign of any Sports club being run in that area as it is the residential area. He has also stated that the residents are opposing to any kind of club being started there. The letter dated 04.12.2018 given by the Sub Inspector of Police, Sooramangalam Police Station, Sooramangalam, Salem, forms part of the record.

7. In this situation, the prayer sought for in this writ petition cannot be entertained, since as on date, there is no cause of action for the petitioner.

8. Hence, this Writ Petition is dismissed as devoid of merits. However, it is open to the petitioner to move this Court at appropriate time when there is cause of action in this regard. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Salem city, Salem.
- 2.The Deputy Commissioner of Police, (L & O),
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- 3.The Assistant Commissioner of Police,
Intelligence Wing, (I.S),
Office of the Commissioner of Police,
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- 6.The Inspector of Police,
Sooramangalam Police Station,
Sooramangalam, Selam.

+1cc to the Government Pleader, S.R.No.83663

W.P.No.31889 of 2018

CNR(CO)

rrs 03/01/2019