



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2018
CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) Nos.12497 & 13369 of 2017

WEB COPY

W.P (MD) No.12497 of 2017

M/s. Quality Recreation Club,
Forest Road,
Cumbum,
Uthamapalayam Taluk,
Theni District,
Rep. by its Secretary,
R. Manikandan

... Petitioner

Vs.

1. The Superintendent of Police,
Theni District,
Theni.

2. The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

3. The Inspector of Police,
Cumbum South Police Station,
Theni District.

4. The Sub Inspector of Police,
Cumbum South Police Station,
Theni District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents from in any way disturbing the smooth function of the petitioner's club in any manner.

For Petitioner

: Mr. P. Gunasekaran,

For R1 to R4

: Mr. M. Karuppasamy,

Government Advocate

W.P (MD) No.13369 of 2017

R. Ganesan,
S/o. Raman,
President,
Atlas Sports and Recreation club,
No.43/A, Bye-pass road, Avaniyapuram,
Madurai-12.

... Petitioner

Vs.

1. The Commissioner of Police,

<https://hcservices.courts.gov.in/hcservices/>
Office of the Commissioner of Police,
Madurai City, Madurai.



2. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram,
Madurai.

...Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from interfering into the day to day activities of Atlas sports and recreation club at No.43/A, Bye-pass road, Avaniyapuram, Madurai-12.

For Petitioner : Mr.S.Malaikani,
For Respondents : Mr.M.Karuppasamy,
Government Advocate

C O M M O N O R D E R

The issue involved in both the writ petitions are inter-linked and hence, both writ petitions are disposed of by this common order.

2.When the matters were came up for admission before this Court, the learned counsel for the petitioners fairly submitted that the orders passed in W.P.(MD)Nos.5560 of 2018 and W.P.(MD) Nos.19061 of 2017 etc., batch, dated 13.07.2018 are squarely applicable to the facts of the present case.

3.Therefore, it is useful for this Court to extract the relevant paragraphs in W.P(MD)Nos.5560 of 2018 etc., batch, dated 13.07.2018.

"5.The learned counsel appearing for the fourth respondent has filed the counter affidavit, by contending that the petitioners have not obtained licence, as per Section 3 of Tamil Nadu Places of Public Resort Act, 1888. It is relevant to extract the relevant portion of Section 3 of the Tamil Nadu Places of Public Resort Act, 1888, which reads as follows:

"3.Licenses for use of enclosed place or building for public resort or entertainment.

In any area in which this Act is in force, no enclosed place or building whether permanent or temporary shall be used for public resort or entertainment in the following cases, unless a licence has been obtained in respect thereof under this Act"



"Such application shall be made to the executive authority, if the enclosed place or building is within a Municipal Town, and in every other case to any revenue officer not below the rank of Tahsildar having jurisdiction over the local area in which the place or building is situated."

The aforesaid provision of the Act states that the executive authority is the competent authority to grant permission to the place or building, within the municipal town and in any other case, any revenue officer, not below the rank of Tahsildar having jurisdiction over the local area, in which the place or building is situated.

7. Therefore, the learned counsel appearing for the fourth respondent contended that the petitioners have to obtain permission from the local body authority under the aforesaid Act. In the present cases, the petitioners have not obtained permission from the fourth respondent herein, to run the petitioners' club under the TamilNadu Places of Public Resort Act, 1888 and further the petitioners' building are unauthorized building. Therefore, the relief sought for in these writ petitions cannot be granted.

8. Taking note of the facts of these cases and the submissions made by the learned counsel for the fourth respondent, it is not disputed by the learned counsel for the petitioners that necessary permission has to be obtained to run the club as per the Tamil Nadu Places of Public Resort Act, 1888.

9. In the light of the above submissions and the provisions of the Act, the petitioners are directed to approach the concerned local body authorities or the Revenue officials, as the case may be, and to obtain necessary permission under the provisions of the Act. Thereafter, the petitioners can approach this Court and to seek for the aforesaid relief. At this stage, this Writ Petition is not maintainable. However, the petitioner is at liberty to seek remedy at later stage, if necessary."

4. In the light of the order passed in W.P(MD)Nos.5560 of 2018 etc., batch, dated 13.07.2018, these writ petitions are disposed of in similar lines. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The Superintendent of Police,
Theni District, Theni.
2. The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.
3. The Inspector of Police,
Cumbum South Police Station,
Theni District.
4. The Sub Inspector of Police,
Cumbum South Police Station,
Theni District.
5. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
6. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram,
Madurai.

+1cc to Mr.P.Gunasekaran, Advocate Sr.No.76028

+1cc to Spl.Government Pleader Sr.No.75562

AM

VB/SKN/SAR3/21.08.2018/4P/9C

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