

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.4.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal No.1422 of 2019

M/s.Friends Academy Madras-2
rep.by its President
Mr.Hemanth Kumar

...Appellant/Petitioner

Vs

1. The Commissioner of Police,
Chennai City, No.132, EVK Sampath
Road, Vepery, Chennai-7.

2. The Assistant Commissioner of
Police, Chintadripet, Arunachala
Road, Chintadripet, Chennai-2.

3. The Inspector of Police, F-1,
Chintadripet Police Station,
Arunachala Road, Chintadripet,
Chennai-2.

...Respondents/Respondents

APPEAL under Clause 15 of the Letters Patent against the
order dated 05.3.2019 passed in W.P.No.1536 of 2019.

Prayer in W.P.No.1536 of 2019:- Writ of Mandamus forbearing
the 3rd respondent and his subordinates from in any manner
interfering with the rights of the members to play rummy(13
cards) and other indoor games other games in the premises of
the petitioner's association situated at 96, Old No.104, Iyah
Mudali Street, Chintadripet, Chennai-2 and consequently direct
them not to harass the petitioner's association and its members.

For Appellant : Ms.Sangeetha Rajkumar

For Respondents : Mr.R.P.Prathap Singh, GA

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Ms.Sangeetha Rajkumar, learned counsel for the
appellant and Mr.R.P.Prathap Singh, learned Government Advocate

accepting notice for the respondents and also Mr.P.Shanmugam, Sub-Inspector Police, F-1 Chintadripet Police Station, Chennai-2, who is present in Court.

2. This appeal is directed against the order dated 05.3.2019 passed by the learned Single Judge in W.P.No.1536 of 2019.

3. The said writ petition was filed by the appellant herein seeking for the issuance of a Writ of Mandamus forbearing the third respondent and his subordinates from in any manner interfering with the rights of the members to play rummy (13 cards), other indoor games and other games in the premises of the petitioners association situated at 96, old No.104, Iyah Mudali Street, Chintadripet, Chennai-2 and consequently direct them not to harass the petitioner association and its members.

4. The petitioner association is stated to be registered under the provisions of the Tamil Nadu Societies Registration Act during the year 1998 and was issued a certificate of registration bearing S.No.359 of 1998.

5. It is submitted by the learned counsel for the appellant that all the members of the appellant club are all senior citizens and retired employees and that no illegal activity is being conducted in the club. It is further submitted that on the day when the search was conducted, the police recovered only a sum of Rs.2,200/- and that the stand taken by the respondent police in the counter affidavit filed in the said writ petition stating that a charge sheet has been laid before the 14th Metropolitan Magistrate, Egmore is incorrect since the copy application filed on behalf of the appellant on 22.3.2019 was returned by the Magistrate Court mentioning that the first information report has not yet been filed.

6. Mr.P.Shanmugam, Sub-Inspector Police, F-1 Chintadripet Police Station, Chennai-2, who is present in Court, has instructed the learned Government Advocate to submit that the first information report has been lodged and that the charge sheet is to be filed shortly. It is further pointed out by the learned Government Advocate that as on date, the appellant does not have any licence from the Corporation of Chennai and does not have sufficient parking space for running a recreation club.

7. The appellant cannot conduct its activities without obtaining licence from the Corporation of Chennai. Even assuming that a licence is granted, still it is well open to the respondent police to inspect the premises to verify as to whether there are any unlawful activities carried on in the premises of the appellant club. Thus, without obtaining a licence from the Corporation of Chennai, the appellant cannot

seek a direction to forbear the third respondent from interfering with their activities. In the light of the above, we find that the learned Single Judge was right in rejecting the relief sought for. However, we do not wish to foreclose the rights of the appellant.

8. Therefore, while confirming the order passed by the learned Single Judge, we issue the following directions :

i. The appellant is directed to apply to the concerned officer of the Corporation of Chennai for issuance of a licence for carrying on its activities within a period of one week from the date of receipt of a copy of this judgment; and

ii. On receipt of such application, the concerned official of the Corporation of Chennai shall call for a report from the respondent police and based on such a report and subject to fulfilment of other conditions such as providing parking space, hygienic atmosphere, etc., consider the application for grant of licence on merits and in accordance with law.

9. With the above directions, the writ appeal is dismissed.
No costs.

RS

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Chennai City, No.132, EVK Sampath Road,
Vepery,
Chennai-7.

2.The Assistant Commissioner of Police,
Arunachala Road,
Chintadripet, Ch-2.

3.The Inspector of Police,
F-1, Chintadripet Police Station,
Arunachala Road, Chennai-2.

+1cc to Mr.P.G.Santhosh Kumar, Advocate, SR.No.38619
+1cc to the Govt.Pleader, Vide Sr.No.38817

WA.No.1422 of 2019

Kak (24/04/2019)



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