

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 12544 of 2019

P. Murugan

... Petitioner

-vs-

1. The Superintendent of Police,
District Police Office,
Neethimedu, Salem 636 002.
2. The Deputy Superintendent of Police
District Police Office,
Mettur Dam, Mettur, Salem 636 002.
3. The Inspector of Police,
Karumalaikudal Police Station,
Mettur Dam R.S-2,
Salem - 636 402.
4. The District Registrar (Administration)
Registrar of Societies (AIG Cadre)
District Registrar Office,
Salem West, Salem District. ... Respondents
(Suomotu impleaded as the fourth respondent on dt:6/11/19)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Third Respondent herein not to interfere with the peaceful and lawful activities of the Mettur Bharathi Sports and Recreation Club, located at No. 66, B Block, Goods Road, Mettur Dam (RS Post), Salem - 636 407. In light of the undertaking given by the President in his representation dated 10.04.2019 and also in the light of the directions issued in W.A. No. 296 of 2013 dated 06.10.2017 and W.P. No. 29444 of 2018 dated 22.11.2018.

For Petitioner : Mr. V.Vijayashankar

For Respondents: Mr. M.Karthikeyan
Additional Government Pleader

O R D E R

Heard Mr. V. Vijayashankar, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to direct the Third Respondent not to interfere with the peaceful and lawful activities of the Mettur Bharathi Sports and Recreation Club situated at No. 66, B Block, Goods Road, Mettur Dam (RS Post), Salem - 636 407 in the light of the undertaking given by the Petitioner in his representation dated 10.04.2019 and also in the light of the directions issued in W.A. No. 296 of 2013 dated 06.10.2017 and W.P. No. 29444 of 2018 dated 22.11.2018.

3. Since it is represented by the Learned Counsel for the Petitioner that the Petitioner is a Society registered under the Tamil Nadu Societies Registration Act, 1975, The District Registrar (Administration), Registrar of Societies (AIG Cadre), District Registrar Office, Salem West, Salem District is suo motu impleaded as the Fourth Respondent in the Writ Petition.

4. Learned Additional Government Pleader appearing for the First to Third Respondents relying on the decision of this Court in Director General of Police, Chennai -vs- S. Dillibabu (order dated 06.10.2017 in W.A. No. 296 of 2013), submits that the relief sought by the Petitioner in the Writ Petition has the effect of preventing the police personnel from doing their lawful duty, which cannot be granted. He further submits that that the Petitioner has not produced the copy of any license issued under Section 3 of the Tamil Nadu Public Buildings (Licencing) Act, 1965, for running the Club in the building and in the absence thereof, they cannot be entitled to the relief sought in the Writ Petition. In this regard, reliance is placed on the decision of the Division Bench of this Court in I. Mohammed Razvi -vs- District Collector, Madurai (order dated 12.12.2017 in W.P. (MD) Nos. 23753, 20775 and 2188 of 2016 and W.P. (MD) No. 12915 of 2017).

5. Having regard to the aforesaid submissions made by the Respondents, during the earlier hearing on 19.08.2019, Learned Counsel for the Petitioner sought time to produce a copy of the requisite licence along with annual statements and audited accounts of the Club of the Petitioner from the time of its inception.

6. When the matter is taken for hearing today, Learned

Counsel for the Petitioner submits that the Petitioner has not obtained the requisite licence under Section 3 of the Tamil Nadu Public Buildings (Licencing) Act, 1965, for running the club in the building.

7. It is a well settled legal position that a mere contemplation or possibility that a right may be infringed without any legitimate basis for that right, would not give rise to a cause of action. In such circumstances, the question of granting the relief sought by the Petitioner in the Writ Petition does not arise for consideration.

8. In view of the aforesaid legal position coupled with the facts of this case, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to apply and obtain such licence for running Club in the building and leave it open to the Petitioner to work out his remedies in that regard, and he has made an endorsement to that effect, which is recorded.

9. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

kv/maya
To

1. The Superintendent of Police,
District Police Office,
Neethimedu, Salem 636 002.
2. The Deputy Superintendent of Police
District Police Office,
Mettur Dam, Mettur, Salem 636 002.
3. The Inspector of Police,
Karumalaikudal Police Station,
Mettur Dam R.S-2,
Salem - 636 402.
4. The District Registrar (Administration)
Registrar of Societies (AIG Cadre)
District Registrar officem
Salem West, Salem District.

+1cc to Mr. V.Vijayashankar, Advocate SR.92657
+1cc to the Government Pleader SR.92465

W.P. No. 12544 of 2019

VBA (CO)
CB (02/12/2019)



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