

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2019

CORAM:

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

W.P. No.22954 of 2018

KVP Recreation Club
Represented by its President
Tamilarasi. B,
No.3/4A, Ramaling Puram,
Peruntholvu Post,
P.K.Palayam Via,
Tiruppur - 641 665,
Tiruppur District.

... Petitioner

-vs-

- 1.The Superintendent of Police,
Tiruppur District.
- 2.The Deputy Superintendent of Police,
Palladam, Tiruppur District.
- 3.The Inspector of Police,
Avinashipalayma Police station,
Tiruppur District.
- 4.The District Registrar (Admin) and
Registrar of Societies,
District Registrar Office,
Tiruppur District.
[R4-Suo motu impleaded
on 27.08.2019]

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondents and his subordinates or any other official from any manner interfering or disturbing with the day to day affairs of the Petitioner Society in playing indoor games Rummy 13 cards along with Carom Board Table Tennis Chess not involving any element of gambling at the premises bearing No.3/4A, Ramalinga Puram, Peruntholvu Post, P.K.Palayam Via, Tiruppur 641 665, Tiruppur District.

For Petitioner : Mr. R. Prabakar

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader for R1 to R3

Mr. T.M. Pappiah,
Special Government Pleader for R4.

O R D E R

Heard Mr. R. Prabakar, Learned Counsel for the Petitioner, Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the First to Third Respondents and Mr. T.M. Pappiah, Learned Special Government Pleader (Registration) appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Respondents and his subordinates or any other official from any manner interfering or disturbing with the day to day affairs of the Society of the Petitioner in playing indoor games of Rummy, Carom Board, Table Tennis Chess not involving any element of gambling at the premises bearing No. 3/4A, Ramalinga Puram, Peruntholvu Post, P. K. Palayam, Tiruppur District- 641 665.

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, District Registrar Office, Thiruppur District is suo motu impleaded as the Fourth Respondent in the Writ Petition.

4. It is informed by the Learned Special Government Pleader (Registration) appearing for the Fourth Respondent, on instructions, that the club of the Petitioner, which was formed on 19.03.2018, has been registered on 11.04.2018, but has not yet submitted its annual returns from its inception.

5. 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. That apart, he also submits that, on inspection of the premises of the Petitioner by the Third Respondent on 05.07.2019, it has been found that there is no name board and no club is functioning at the said premises

and modernizing work is going on at present and photographs in that regard has been produced in proof thereof. He further submits 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).

6. 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.

7. When the matter is taken for hearing today, Learned Counsel for the Petitioner submits that since 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.

8. 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.

9. 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.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rkp

To

- 1.The Superintendent of Police,
Tiruppur District.
- 2.The Deputy Superintendent of Police,
Palladam, Tiruppur District.
- 3.The Inspector of Police,
Avinashipalayma Police station,
Tiruppur District.
- 4.The District Registrar (Admin) and
Registrar of Societies,
District Registrar Office,
Tiruppur District.

+1cc to Mr.R. Prabakar, Advocate SR.No.74204

+1cc to Government Pleader SR.No.74629

W.P.No.22954 of 2018

PM(CO)
GMY(18/09/2019)