



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

WP(MD).No.6640 of 2019 and

WMP(MD).No.5298 of 2019

Vedasandur Recreation Club,
rep, by its Secretary
Vijayakumar.

.. Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Deputy Superintendant of Police,
Vedasandur,
Dindigul District.

3.The Inspector of Police,
Eriyodu Police Station,
Dindigul District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the third respondent herein from interfering with the lawful day to day activities of our association without following the due process of law.

For Petitioner : Mr.C. Susikumar

For Respondents : Mrs.S. Bharathi

Government Advocate (Crl. Side)

ORDER

The petitioner seeks direction forbearing the third respondent from interfering into doing lawful activities of Vedasandur Recreation Club.

2. The learned counsel appearing for the petitioner submitted that earlier the Club was in different place and the same was ran in accordance with permission till 2016. Now, the Club has shifted to the present address in No.1/167, East Street, Thottanampatti, Vedasandur Taluk, Dindigul District, which false in the jurisdiction of the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/> 3. The learned learned Government Advocate (Crl. Side) appearing for the respondents submitted that the case in Crime No.16 of 2019, has been registered against the petitioner's Club.



4. The learned counsel for the petitioner submitted that the said case is falsely foisted and they have got unblemished record from the year 2016. He further submitted that the third respondent is now harassing the petitioner to get a fresh order for running the Club.

5. Since the scope of the petition is on strictly different area, this Court does not venture into make any opinion on the pending criminal case. So far as the present record, the petitioner is directed to approach the third respondent by giving the following undertakings:

(i) The petitioner and the members of the club are entitled to carry on lawful activities within their premises and there should not be any interference from the police authorities, so long as their activities are not in violation of the provisions of the Public Gambling Act, 1867 / Tamil Nadu Gaming Act, 1930;

(ii) In the normal circumstances, there should be no interference in the lawful functioning of the clubs by the police. It is not permissible for the police to enter the club premises as a routine measure, so long as the clubs are functioning within the frame work of law.

(iii) If the police authorities have specific information of reasonable doubt that the activities carried on by the club or its members are not in accordance with law or they indulge in unlawful activities in violation of the provisions of the Public Gambling Act, 1867 / Tamil Nadu Gaming Act, 1930 or any other enactment, it would be open to them, after recording reasons in the General Diary maintained in the police station, to proceed to enter the club premises, conduct investigation, interrogate those who involve themselves in such activities and take appropriate action on merits and as per law;

(iv) While exercising the powers conferred on police authorities, they should follow the mandatory provision as contained in Section 5 of the Tamil Nadu Gaming Act, 1930/Public Gambling Act, 1867.

(v) It is always open to the club or its members to challenge the action taken by the police, if it was not in accordance with law;

(vi) In case the police authorities were of the opinion that a situation has arisen to suspend the operation of the club in exercise of the powers conferred, they have to issue an order in writing. When there is no authority granted to the police to



issue an order of suspension orally, they are not entitled to pass such oral orders; and (vii) Before passing orders for the purpose of closure of the club, in exercise of the powers conferred on the authorities, they should follow the principles of natural justice. The Club should be given an opportunity to submit their objections and if so desired, a further opportunity of personal hearing should also be given.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

trp

To

1.The Superintendent of Police,
Dindigul District.

2.The Deputy Superintendant of Police,
Vedasandur, Dindigul District.

3.The Inspector of Police,
Eriyodu Police Station, Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.C.SUSI KUMAR, Advocate Sr. No. 56361

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TR (05.04.2019) 3P 6C