



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

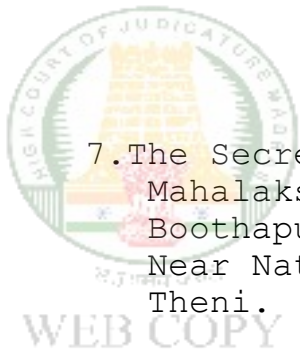
**W.P. (MD) .No.6552 of 2019
and
WMP (MD) No.18807 of 2019**

M.Vignesh

... Petitioner

Vs.

- 1.The District Collector,
Theni District,
Theni.
- 2.The Superintendent of Police,
Theni District,
Theni.
- 3.The District Registrar (Societies),
Periyakulam,
Theni District.
- 4.The Secretary,
Maya Recreation Club,
Near Bus Stand,
Theni Town,
Theni District.
- 5.The Secretary,
Super Recreation Club,
V.V.G. Store Store Road,
Near Kattupathrakali Amman Kovil,
Theni District.
- 6.The Secretary,
Zone Recreation Club,
Viswanathadas Colony,
Theni Town,
Theni.



7.The Secretary,
Mahalakshmi Recreation Club,
Boothapuram Road,
Near National Theatre,
Theni.

8. The Commissioner of Prohibition
and Excise,
Chepauk,
Chennai,

... Respondents

*(R8 suo motu impleaded vide
order dated 11.11.2019)

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent Nos.1 to 3 herein to take appropriate action against the respondents 4 to 7 Recreation Clubs for engaging in gambling activities by bedding money illegally and to evolve effect mechanism to curtail these Recreation Clubs operating as gambling house and prevent them from indulging in gambling activities and to protect the livelihood of many poor families.

For Petitioner	: Mr.A.Mithun Chakravarthi
For Respondents (R1 to R3)	: Mr.A.K.Baskarapandian
For Respondent-4	: Mr.M.A.M.Raja
For Respondent-5	: Mr.C.Jeganathan for M/s.Veera Associates
For Respondent-6	: Mr.S.Ramachandrapradeep
For Respondent-7	: Mr.C.Venkatesh Kumar

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.A.Muthun Chakravarthi, learned counsel for the petitioner, Mr.A.K.Baskarapandian, the learned Special Government Pleader, who accepts notices for 1 to 3 as well as the newly impleaded 8th respondent, Mr.M.A.M.Raja, learned counsel for R4, Mr.C.Jeganathan, learned counsel for R5, Mr.S.Ramachandrapradeep, learned counsel for R6 and Mr.C.Venkatesh Kumar, learned counsel for R7.



2. The petitioner seeks for issuance of a Writ of Mandamus, to take appropriate action against the respondents 4 to 7, who are engaging gambling activities and vending liquors, without obtaining proper permission and most of the recreation clubs are functioning in temporary structures. Photographs produced in the typed set of paper shows that what the petitioner has said is true.

3. The Superintendent of Police, Theni District, has filed a counter affidavit stating about the number of Bars and Recreation Clubs, which are in Theni District, which is 52 in numbers and no criminal case has been registered within Theni limit. Further it is stated that the owners are getting permission from the Excise Department as well as from the local body and they are running the premises by clubbing together, which affects the general public. Having stated so, the Superintendent of Police states that the Writ Petition should be dismissed.

4. There is no averments in the affidavit as to whether any inspection was conducted whether the licence conditions, if at all they possess, has been complied with etc., Presumably, the Superintendent of Police has signed across the dotted lines in a counter affidavit prepared by somebody else.

5. In the recent past, we have come across several cases where FL2 licence were granted indiscriminately by the Commissioner of Prohibition and Excise, Chennai, the 8th respondent herein. Most of the recreation clubs, which we have dealt with, are all in temporary structures and it is nothing more than a dignified TASMAC Bar and the object of FL2 licence is not to authorise such vending of liquor. This trend is more in the southern Districts, more particularly, the Districts, which are falling in the jurisdiction of this Court. The indiscriminate grant of FL2 license is against the policy of the State Government, which had assured before the Hon'ble Supreme Court that they reduce the number of retail vending liquor shops. We ask ourselves as to whether under the guise of complying with the undertaking granted to the Supreme Court, the State Government will close down the shops and grant FL2 licence so that the deficit is set off.

6. We have impleaded the Commissioner of Prohibition and Excise, Chennai, today. After noticing for the past two months, several complaints have come. It is true that some of the complaints might be by a business rival or an erstwhile employee or a licensee, who has been granted licence by TASMAC, to sell eatables and collect empty bottles in TASMAC retail vending shops. Wherever we found that there is no bonafide in the litigation, we have dismissed, however, we are disturbed because of indiscriminate grant of FL2 licence and the Commissioner of Prohibition and Excise has not taken any steps to direct his officers to inspect the



premises, after the licence was granted as to what is the nature of activity is going on and added to that, the Superintendent of Police, Theni District is ascertain the ground realities. Therefore, we direct the Commissioner of Prohibition and Excise, Chennai, to immediately constitute a team and conduct surprise inspection in all recreation clubs, which have been granted licence in the past 1-1/2 years and even if a small violation is found, all the recreation clubs shall forthwith be locked and sealed and thereafter, steps be taken to cancel the licence, after following the due procedures.

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

8. Considering the seriousness of the issue, we direct the Registry to mark a copy of this order to the Principal Secretary and Secretary to Government, Home Department, Government of Tamil Nadu, Chennai.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

- 1.The District Collector,
Theni District, Theni.
- 2.The Superintendent of Police,
Theni District, Theni.
- 3.The District Registrar (Societies),
Periyakulam, Theni District.
- 4.The Secretary,
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Near Bus Stand,
Theni Town, Theni District.
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Super Recreation Club,
V.V.G. Store Store Road,
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6.The Secretary,
Zone Recreation Club,
Viswanathadas Colony,
Theni Town, Theni.

7.The Secretary,
Mahalakshmi Recreation Club,
Boothapuram Road,
Near National Theatre, Theni.

8. The Commissioner of Prohibition
and Excise, Chepauk, Chennai.

9. The Principal Secretary to Government,
Home Department, Government of Tamil Nadu,
Chennai.

10. The Secretary to Government,
Home Department, Government of Tamil Nadu,
Chennai.

+1 CC to M/s.VEERA ASSOCIATES, (SR-97612[F] dated 12/11/2019)

+1 CC to M/s.AJMAL ASSOCIATES, (SR-97700[F] dated 12/11/2019)

+1 CC to M/s.SPL GP (SR-97763[F] dated 12/11/2019)

+1 CC to M/s.A. MITHUN CHAKARAVARTHY, Advocate (SR-97838[F] dated 13/11/2019)

**W.P. (MD) .No.6552 of 2019
11.11.2019**

JMN(02.12.2019) 5P : 15C