



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD)No.18341 of 2019

The Secretary,
District Club,
(Reg.No.3 of 1934),
North High Grounds Road,
Palayamkottai,
Tirunelveli.

... Petitioner

Vs.

The Commissioner of Police,
Commissioner Office,
High Ground,
Palayamkottai,
Tirunelveli.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondent police and his subordinates to allow the members of the petitioner club to play 13 cards rummy without stakes and not in any manner interfering with the sports activities of members of the petitioners club from playing 13 card rummy game.

For Petitioner : Mr.T.Selvan
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

O R D E R

This Writ Petition has been filed seeking a direction to the respondent not to interfere with the sports activities of the members of petitioners Club.

2. The grievance of the petitioner is that, the Club was registered under the Tamil Nadu Societies Registration Act, 1860. The petitioner is running the Club to promote various facilities



to their members and he is not involving in any illegal activity. According to the petitioner, the respondent police are interfering and disturbing the lawful activities of the Club, without following any provisions of law and preventing him from doing his activities peacefully. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would contend that the Club was registered under the Tamil Nadu Societies Registration Act, 1860 and the Club is being run for the benefit of its' members. The petitioner's Club was entitled to conduct lawful activities in his premises and also could conduct entertainment programmes. The respondent police have no power to deny the petitioner's Club to conduct lawful activities.

4. Per contra, the learned Government Advocate (Crl.side) appearing for the respondents would submit that the petitioner's Club was registered under the Tamil Nadu Societies Registration Act, 1860. He is conducting various programmes to entertain their members. Based on some reliable information, the respondent police made a search in the Club. Apart from that, the petitioner has not obtained licence as per Section 3 of the Tamil Nadu Places of Public Resort Act, 1888. The learned Government Advocate (Crl.side) relied upon the order passed by this Court in **W.P. (MD). Nos.5560 of 2018, etc., batch cases-[Mass Recreation Club-Shengottah represented by its Secretary Vs. The Superintendent of Police, Tirunelveli District, Tirunelveli and others]**, dated 13.07.2018, wherein, this Court held that the petitioner should necessarily get license from the Authority concerned under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888. The above order has been confirmed by a Division Bench of this Court in **W.A. (MD).No.1017 of 2018, dated 31.07.2018**. The relevant portion of the judgment reads as follows:-

"3.We have recorded the reason for dismissal of the Writ Petition. We find absolutely no reason to differ. Informing that appellant has to obtaining necessary permission under Tamil Nadu Places of Public Resort Act, 1888 and on doing so, it would be open for the appellant Club to indulge in Rummy Card games and other recreation activities, other than those that what offend the Tamil Nadu Gambling Act, this Writ Appeal stands dismissed."

5. That apart, the learned Government Advocate (Crl.side) appearing for the respondents has relied upon Section 34 of the Chennai City Police Act, 1888. Section 34 of the above said Act reads as follows:-

<https://hcservices.ecourts.gov.in/hcsewritcases/> **34.Places of public resort to be licensed-(1)**



No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a licence from the Commissioner.

Provided that nothing contained in this Sub-Section shall apply to any Church, Temple, Mosque, or other place of worship.

(2) The Commissioner may, at the time of grant of a licence under Sub-Section (1) or at any time during the currency of any such licence, require any person, other than a local authority, applying for such licence or the holder of such licence, as the case may be, to deposit with the Commissioner in cash or in Government promissory notes for such sum, as may be prescribed as security for the due observance of the conditions of licence.

(3) Where there is breach or non-observance of the conditions of the licence granted under Sub-Section (1) the Commissioner may forfeit the security so deposited to the Government.

(4) The forfeiture of the deposit shall not be a bar for proceeding against the holder of the licence under the provisions of Section 76."

6. I have considered the rival submissions and also perused the records carefully.

7. The main grievance of the petitioner is that, the petitioner is running the Club for the benefit of their members without violating any law, and he need not obtain any licence from any authority. But as per the Judgment relied upon by the learned Government Advocate (Crl.side) appearing for the respondents, the Club necessarily get license under the Tamil Nadu Places of Public Resorts Act, 1888, and which was also confirmed by the Division Bench of this Court. That apart, a incense under Section 34 of The Chennai city Police Act should also required, wherever the above Act is applicable.

8. Considering the above circumstances, without going into the merits of the case, I am inclined to issue a direction to the petitioner to approach the authority concerned, seeking for licence under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888, as per the order passed by this Court in **W.P. (MD) . Nos.5560 of 2018, etc., batch cases, dated 13.07.2018**, and the petitioner is also directed to submit necessary application under Section 34 of the Madras City Police Act, 1888, before the



competent authority, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the competent authorities are directed to pass orders on the application, within a period of six weeks thereafter.

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9. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Commissioner of Police,
Commissioner Office,
High Ground,
Palayamkottai,
Tirunelveli.

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

+2 CC to M/s.T. SELVAN, Advocate (SR-83395,83290[F] dated
26/08/2019)

Order made in
W.P. (MD)No.18341 of 2019
Dated:26.08.2019

KM/(16.10.2019) 4P 5C